

Muwatta Malik

موطأ مالك

FIRST EDITION

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1 - The Times of Prayer كتاب وقوت الصلاة

He said, "Yahya ibn Yahya al-Laythi related to me from Malik ibn Anas from Ibn Shihab that one day Umar ibn Abdal-Aziz delayed the prayer. Urwa ibn az-Zubayr came and told him that al-Mughira ibn Shuba had delayed the prayer one day while he was in Kufa and Abu Masud al- Ansari had come to him and said, 'What's this, Mughira? Don't you know that the angel Jibril came down and prayed and the Messenger of Allah, may Allah bless him and grant him peace, prayed.' Then he prayed again, and the Messenger of Allah, may Allah bless him and grant him peace, prayed. Then he prayed again, and the Messenger of Allah, may Allah bless him and grant him peace, prayed. Then he prayed again, and the Messenger of Allah, may Allah bless him and grant him peace, prayed. Then he prayed again, and the Messenger of Allah, may Allah bless him and grant him peace, prayed. Then Jibril said, 'This is what you have been ordered to do.' Umar ibn Abd al-Aziz said, 'Be sure of what you relate, Urwa. Was it definitely Jibril who established the time of the prayer for the Messenger of Allah?' " Urwa said, "That's how it was related to Bashir ibn Abi Masud al-Ansari by his father."

قَالَ حَدَّثَنِي يَحْيَى بْنُ يَحْيَى اللَّيْثِيُّ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، أَخَّرَ الصَّلاَةَ يَوْمًا فَدَخَلَ عَلَيْهِ عُرْوَةُ بْنُ الزُّبَيْرِ فَأَخْبَرَهُ أَنَّ الْمُغِيرَةَ بْنَ شُعْبَةَ أَخَّرَ الصَّلاَةَ يَوْمًا وَهُوَ بِالْكُوفَةِ فَدَخَلَ عَلَيْهِ أَبُو مَسْعُودٍ الأَنْصَارِيُّ فَقَالَ مَا هَذَا يَا مُغِيرَةُ أَلَيْسَ قَدْ عَلِمْتَ أَنَّ جِبْرِيلَ نَزَلَ فَصَلَّى فَصَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم ثُمَّ صَلَّى فَصَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم ثُمَّ صَلَّى فَصَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم ثُمَّ صَلَّى فَصَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم ثُمَّ صَلَّى فَصَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم ثُمَّ قَالَ " بِهَذَا أُمِرْتُ " . فَقَالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ اعْلَمْ مَا تُحَدِّثُ بِهِ يَا عُرْوَةُ أَوَ إِنَّ جِبْرِيلَ هُوَ الَّذِي أَقَامَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم وَقْتَ الصَّلاَةِ قَالَ عُرْوَةُ كَذَلِكَ كَانَ بَشِيرُ بْنُ أَبِي مَسْعُودٍ الأَنْصَارِيُّ يُحَدِّثُ عَنْ أَبِيهِ .

Arabic/English book reference : Book 1, Hadith 1

Urwa said that A'isha, the wife of the Prophet, may Allah bless him and grant him peace used to pray asr while the sunlight was pouring into her room, before the sun itself had become visible (i.e. because it was still high in the sky).

قَالَ عُرْوَةُ وَلَقَدْ حَدَّثَتْنِي عَائِشَةُ زَوْجُ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُصَلِّي الْعَصْرَ وَالشَّمْسُ فِي حُجْرَتِهَا قَبْلَ أَنْ تَظْهَرَ .

Arabic/English book reference : Book 1, Hadith 2

Yahya related to me from Malik from Zayd ibn Aslam that Ata ibn Yasar said, "A man came to the Messenger of Allah, may Allah bless him and grant him peace, and asked him about the time of the subh prayer. The Messenger of Allah, may Allah bless him and grant him peace, did not answer him, but in the morning he prayed subh at first light. The following morning he prayed subh when it was much lighter, and then said, 'Where is the man who was asking about the time of the prayer?' The man replied, 'Here I am, Messenger of Allah.' He said,'The time is between these two.' "

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّهُ قَالَ جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَسَأَلَهُ عَنْ وَقْتِ صَلاَةِ الصُّبْحِ قَالَ فَسَكَتَ عَنْهُ رَسُولُ اللَّهِ صلى الله عليه وسلم حَتَّى إِذَا كَانَ مِنَ الْغَدِ صَلَّى الصُّبْحَ حِينَ طَلَعَ الْفَجْرُ ثُمَّ

صَلَّى الصُّبْحَ مِنَ الْغَدِ بَعْدَ أَنْ أَسْفَرَ ثُمَّ قَالَ " أَيْنَ السَّائِلُ عَنْ وَقْتِ الصَّلاَةِ " . قَالَ هَا أَنَا ذَا يَا رَسُولَ اللَّهِ . فَقَالَ " مَا بَيْنَ هَذَيْنِ وَقْتٌ " .

Arabic/English book reference : Book 1, Hadith 3

Yahya related to me from Malik from Yahya ibn Said from Amra bint Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, used to pray subh and the women would leave wrapped in their garments and they could not yet be recognised in the darkness."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ إِنْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم لَيُصَلِّي الصُّبْحَ فَيَنْصَرِفُ النِّسَاءُ مُتَلَفِّعَاتٍ بِمُرُوطِهِنَّ مَا يُعْرَفْنَ مِنَ الْغَلَسِ .

Arabic/English book reference : Book 1, Hadith 4

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar and from Busr ibn Said and from al-Araj- all of whom related it from Abu Hurayra - that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever manages to do a raka of subh before the sun has risen has done subh in time, and whoever manages to do a raka of asr before the sun has set has done asr in time."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، وَعَنْ بُسْرِ بْنِ سَعِيدٍ، وَعَنِ الأَعْرَجِ، كُلُّهُمْ يُحَدِّثُونَهُ عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ أَدْرَكَ رَكْعَةً مِنَ الصُّبْحِ قَبْلَ أَنْ تَطْلُعَ الشَّمْسُ فَقَدْ أَدْرَكَ الصُّبْحَ وَمَنْ أَدْرَكَ رَكْعَةً مِنَ الْعَصْرِ قَبْلَ أَنْ تَغْرُبَ الشَّمْسُ فَقَدْ أَدْرَكَ الْعَصْرَ " .

Arabic/English book reference : Book 1, Hadith 5

Yahya related to me from Malik from Nafi', the mawla of Abdullah ibn Umar, that Umar ibn al-Khattab wrote to his governors saying, "The most important of your affairs in my view is the prayer. Whoever protects it and observes it carefully is protecting his deen, while whoever is negligent about it will be even more negligent about other things." Then he added, "Pray dhuhr any time from when the afternoon shade is the length of your forearm until the length of your shadow matches your height. Pray asr when the sun is still pure white, so that a rider can travel two or three farsakhs before the sun sets. Pray maghrib when the sun has set. Pray isha any time from when the redness in the western sky has disappeared until a third of the night has passed - and a person who sleeps, may he have no rest, a person who sleeps, may he have no rest. And pray subh when all the stars are visible and like a haze in the sky."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، مَوْلَى عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَتَبَ إِلَى عُمَّالِهِ إِنَّ أَهَمَّ أَمْرِكُمْ عِنْدِي الصَّلاَةُ فَمَنْ حَفِظَهَا وَحَافَظَ عَلَيْهَا حَفِظَ دِينَهُ وَمَنْ ضَيَّعَهَا فَهُوَ لِمَا سِوَاهَا أَضْيَعُ . ثُمَّ كَتَبَ أَنْ صَلُّوا الظُّهْرَ إِذَا كَانَ الْفَىْءُ ذِرَاعًا إِلَى أَنْ يَكُونَ ظِلُّ أَحَدِكُمْ مِثْلَهُ وَالْعَصْرَ وَالشَّمْسُ مُرْتَفِعَةٌ بَيْضَاءُ نَقِيَّةٌ قَدْرَ مَا يَسِيرُ الرَّاكِبُ فَرْسَخَيْنِ أَوْ ثَلاَثَةً قَبْلَ غُرُوبِ الشَّمْسِ وَالْمَغْرِبَ إِذَا غَرَبَتِ الشَّمْسُ وَالْعِشَاءَ إِذَا غَابَ الشَّفَقُ إِلَى ثُلُثِ اللَّيْلِ فَمَنْ نَامَ فَلاَ نَامَتْ عَيْنُهُ فَمَنْ نَامَ فَلاَ نَامَتْ عَيْنُهُ فَمَنْ نَامَ فَلاَ نَامَتْ عَيْنُهُ وَالصُّبْحَ وَالنُّجُومُ بَادِيَةٌ مُشْتَبِكَةٌ .

Arabic/English book reference : Book 1, Hadith 6

Yahya related to me from Malik, from his uncle Abu Suhayl from his father that Umar ibn al-Khattab wrote to Abu Musa saying that he should pray dhuhr when the sun had started to decline, asr when the sun was still pure white

before any yellowness had entered it maghrib when the sun had set, and to delay isha as long as he did not sleep, and to pray subh when the stars were all visible and like a haze in the sky and to read in it two long suras from the mufassal.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلٍ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَتَبَ إِلَى أَبِي مُوسَى أَنْ صَلِّ الظُّهْرَ، إِذَا زَاغَتِ الشَّمْسُ وَالْعَصْرَ وَالشَّمْسُ بَيْضَاءُ نَقِيَّةٌ قَبْلَ أَنْ يَدْخُلَهَا صُفْرَةٌ وَالْمَغْرِبَ إِذَا غَرَبَتِ الشَّمْسُ وَأَخِّرِ الْعِشَاءَ مَا لَمْ تَنَمْ وَصَلِّ الصُّبْحَ وَالنُّجُومُ بَادِيَةٌ مُشْتَبِكَةٌ وَاقْرَأْ فِيهَا بِسُورَتَيْنِ طَوِيلَتَيْنِ مِنَ الْمُفَصَّلِ .

Arabic/English book reference : Book 1, Hadith 7

Yahya related to me from Malik from Hisham ibn Urwa from his father that Umar ibn al-Khattab wrote to Abu Musa al-Ashari that he should pray asr when the sun was still pure white so that a man could ride three farsakhs (before maghrib) and that he should pray Isha during the first third of the night, or, if he delayed it, then up until the middle of the night, and he warned him not to be forgetful.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَتَبَ إِلَى أَبِي مُوسَى الأَشْعَرِيِّ أَنْ صَلِّ الْعَصْرَ، وَالشَّمْسُ، بَيْضَاءُ نَقِيَّةٌ قَدْرَ مَا يَسِيرُ الرَّاكِبُ ثَلاَثَةَ فَرَاسِخَ وَأَنْ صَلِّ الْعِشَاءَ مَا بَيْنَكَ وَبَيْنَ ثُلُثِ اللَّيْلِ فَإِنْ أَخَّرْتَ فَإِلَى شَطْرِ اللَّيْلِ وَلاَ تَكُنْ مِنَ الْغَافِلِينَ .

Arabic/English book reference : Book 1, Hadith 8

Yahya related to me from Malik from Yazid ibn Ziyad that Abdullah ibn Rafi, the mawla of Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, asked Abu Hurayra about the time of the prayer. Abu Hurayra said, "Let me tell you. Pray dhuhr when the length of your shadow matches your height, asr when your shadow is twice your height, maghrib when the sun has set, isha in the first third of the night, and subh in the very first light of dawn," i.e. when the dawn has definitely come.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ زِيَادٍ، عَنْ عَبْدِ اللَّهِ بْنِ رَافِعٍ، مَوْلَى أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهُ سَأَلَ أَبَا هُرَيْرَةَ عَنْ وَقْتِ الصَّلاَةِ فَقَالَ أَبُو هُرَيْرَةَ أَنَا أُخْبِرُكَ صَلِّ الظُّهْرَ إِذَا كَانَ ظِلُّكَ مِثْلَكَ وَالْعَصْرَ إِذَا كَانَ ظِلُّكَ مِثْلَيْكَ وَالْمَغْرِبَ إِذَا غَرَبَتِ الشَّمْسُ وَالْعِشَاءَ مَا بَيْنَكَ وَبَيْنَ ثُلُثِ اللَّيْلِ وَصَلِّ الصُّبْحَ بِغَبَشٍ . يَعْنِي الْغَلَسَ .

Arabic/English book reference : Book 1, Hadith 9

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik said, "We would pray asr and anyone who then went to the Bani Amr ibn Awf would find them praying asr."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ كُنَّا نُصَلِّي الْعَصْرَ ثُمَّ يَخْرُجُ الإِنْسَانُ إِلَى بَنِي عَمْرِو بْنِ عَوْفٍ فَيَجِدُهُمْ يُصَلُّونَ الْعَصْرَ .

Arabic/English book reference : Book 1, Hadith 10

Yahya related to me from Malik from Ibn Shihab that Anas ibn Malik said, "We would pray asr and anyone who then went to Quba would arrive there while the sun was still high."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ كُنَّا نُصَلِّي الْعَصْرَ ثُمَّ يَذْهَبُ الذَّاهِبُ إِلَى قُبَاءٍ فَيَأْتِيهِمْ وَالشَّمْسُ مُرْتَفِعَةٌ .

Arabic/English book reference : Book 1, Hadith 11

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that al Qasim ibn Muhammad said, "None of the companions that I met prayed dhuhr until well after noon,"(i.e.until when the sun had lost its fierceness).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ قَالَ مَا أَدْرَكْتُ النَّاسَ إِلاَّ وَهُمْ يُصَلُّونَ الظُّهْرَ بِعَشِيٍّ .

Arabic/English book reference : Book 1, Hadith 12

Yahya related to me from Malik from his uncle Abu Suhayl ibn Malik that his father said, "I used to see a carpet belonging to Aqil ibn Abi Talib spread out on the day of jumua up to the west wall of the mosque. When the shadow of the wall covered the whole carpet, Umar ibn al-Khattab would come out and pray the jumua prayer."

Malik, Abu Suhayl's father, added, "We would then return after the jumua prayer and take our midday sleep."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، أَنَّهُ قَالَ كُنْتُ أَرَى طِنْفِسَةً لِعَقِيلِ بْنِ أَبِي طَالِبٍ يَوْمَ الْجُمُعَةِ تُطْرَحُ إِلَى جِدَارِ الْمَسْجِدِ الْغَرْبِيِّ فَإِذَا غَشِيَ الطِّنْفِسَةَ كُلَّهَا ظِلُّ الْجِدَارِ خَرَجَ عُمَرُ بْنُ الْخَطَّابِ وَصَلَّى الْجُمُعَةَ - قَالَ مَالِكٌ وَالِدُ أَبِي سُهَيْلٍ - ثُمَّ نَرْجِعُ بَعْدَ صَلاَةِ الْجُمُعَةِ فَنَقِيلُ قَائِلَةَ الضَّحَاءِ .

Arabic/English book reference : Book 1, Hadith 13

Yahya related to me from Malik from Amr ibn Yahya ibn Yahya al- Mazini from Ibn Abi Salit that Uthman ibn Affan prayed jumua in Madina and asr in Malal (a place seventeen miles from Madina).

Malik commented, "That was by praying jumua just past midday and then travelling fast."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ، عَنِ ابْنِ أَبِي سَلِيطٍ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، صَلَّى الْجُمُعَةَ بِالْمَدِينَةِ وَصَلَّى الْعَصْرَ بِمَلَلٍ . قَالَ مَالِكٌ وَذَلِكَ لِلتَّهْجِيرِ وَسُرْعَةِ السَّيْرِ .

Arabic/English book reference : Book 1, Hadith 14

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abdar-Rahman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said "Whoever catches a raka of the prayer has caught the prayer."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ أَدْرَكَ رَكْعَةً مِنَ الصَّلاَةِ فَقَدْ أَدْرَكَ الصَّلاَةَ " .

Arabic/English book reference : Book 1, Hadith 15

Yahya related to me from Malik from Nafi that Abdullah ibn Umar ibn al-Khattab used to say, "If the ruku has passed you by, so has the sajda."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ بْنِ الْخَطَّابِ، كَانَ يَقُولُ إِذَا فَاتَتْكَ الرَّكْعَةُ فَقَدْ فَاتَتْكَ السَّجْدَةُ .

Arabic/English book reference : Book 1, Hadith 16

Yahya related to me from Malik that he had heard that Abdullah ibn Umar and Zayd ibn Thabit used to say, "Whoever catches the ruku has caught the sajda."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، وَزَيْدَ بْنَ ثَابِتٍ، كَانَا يَقُولاَنِ مَنْ أَدْرَكَ الرَّكْعَةَ فَقَدْ أَدْرَكَ السَّجْدَةَ .

Arabic/English book reference : Book 1, Hadith 17

Yahya related to me from Malik that he had heard that Abu Hurayra used to say, "Whoever catches the ruku has caught the sajda and whoever misses the recitation of the umm al-Qur'an has missed much good."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا هُرَيْرَةَ، كَانَ يَقُولُ مَنْ أَدْرَكَ الرَّكْعَةَ فَقَدْ أَدْرَكَ السَّجْدَةَ وَمَنْ فَاتَهُ قِرَاءَةُ أُمِّ الْقُرْآنِ فَقَدْ فَاتَهُ خَيْرٌ كَثِيرٌ .

Arabic/English book reference : Book 1, Hadith 18

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Duluk ash-shams begins from when the sun passes the meridian."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ دُلُوكُ الشَّمْسِ مَيْلُهَا .

Arabic/English book reference : Book 1, Hadith 19

Yahya related to me from Malik that Da'ud ibn al-Husayn said that someone had told him Abdullah ibn Abbas used to say, "Duluk ash-shams begins from when the sun passes the meridian. Ghasaq al-layl is the gathering of the night and its darkness."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، قَالَ أَخْبَرَنِي مُخْبِرٌ، أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، كَانَ يَقُولُ دُلُوكُ الشَّمْسِ إِذَا فَاءَ الْفَىْءُ وَغَسَقُ اللَّيْلِ اجْتِمَاعُ اللَّيْلِ وَظُلْمَتُهُ .

Arabic/English book reference : Book 1, Hadith 20

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "If someone misses the asr prayer it is as if he has suffered a great misfortune in his family and wealth ."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الَّذِي تَفُوتُهُ صَلاَةُ الْعَصْرِ كَأَنَّمَا وُتِرَ أَهْلَهُ وَمَالَهُ " .

Arabic/English book reference : Book 1, Hadith 21

Yahya related to me from Malik from Yahya ibn Said that once Umar ibn al-Khattab left after doing the asr prayer and met a man who had not been there. Umar asked him what had kept him from the prayer and eventhough the man gave a good reason, Umar said, "You have given yourself short measure."

Yahya added that Malik commented, "It is said that everything has a short measure and a full measure."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، انْصَرَفَ مِنْ صَلاَةِ الْعَصْرِ فَلَقِيَ رَجُلاً لَمْ يَشْهَدِ الْعَصْرَ فَقَالَ عُمَرُ مَا حَبَسَكَ عَنْ صَلاَةِ الْعَصْرِ فَذَكَرَ لَهُ الرَّجُلُ عُذْرًا فَقَالَ عُمَرُ طَفَّفْتَ . قَالَ يَحْيَى قَالَ مَالِكٌ وَيُقَالُ لِكُلِّ شَىْءٍ وَفَاءٌ وَتَطْفِيفٌ .

Arabic/English book reference : Book 1, Hadith 22

Yahya related to me from Malik thatYahya ibn Said used to say, "Even if someone manages to pray before the time of the prayer has passed, the time that has passed him by is more important, or better, than his family and wealth."

Yahya said that Malik said, "If the time for a prayer comes and a traveller delays a prayer through neglect or forgetfulness until he reaches his family, he should do that prayer in full if he arrives within the time. But if he arrives when the time has past, he should do the travelling prayer. That way he only repays what he owes."
Malik said, "This is what I have found the people and men of knowledge doing in our community." Malik explained that shafaq was the redness in the sky after the sun had set, and said, "When the redness has gone then the isha prayer is due and you have left the time of maghrib."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ كَانَ يَقُولُ إِنَّ الْمُصَلِّيَ لَيُصَلِّي الصَّلاَةَ وَمَا فَاتَهُ وَقْتُهَا وَلَمَا فَاتَهُ مِنْ وَقْتِهَا أَعْظَمُ - أَفْضَلُ - مِنْ أَهْلِهِ وَمَالِهِ . قَالَ يَحْيَى قَالَ مَالِكٌ مَنْ أَدْرَكَ الْوَقْتَ وَهُوَ فِي سَفَرٍ فَأَخَّرَ الصَّلاَةَ سَاهِيًا أَوْ نَاسِيًا حَتَّى قَدِمَ عَلَى أَهْلِهِ أَنَّهُ إِنْ كَانَ قَدِمَ عَلَى أَهْلِهِ وَهُوَ فِي الْوَقْتِ فَلْيُصَلِّ صَلاَةَ الْمُقِيمِ وَإِنْ كَانَ قَدْ قَدِمَ وَقَدْ ذَهَبَ الْوَقْتُ فَلْيُصَلِّ صَلاَةَ الْمُسَافِرِ لأَنَّهُ إِنَّمَا يَقْضِي مِثْلَ الَّذِي كَانَ عَلَيْهِ . قَالَ مَالِكٌ وَهَذَا الأَمْرُ هُوَ الَّذِي أَدْرَكْتُ عَلَيْهِ النَّاسَ وَأَهْلَ الْعِلْمِ بِبَلَدِنَا . وَقَالَ مَالِكٌ الشَّفَقُ الْحُمْرَةُ الَّتِي فِي الْمَغْرِبِ فَإِذَا ذَهَبَتِ الْحُمْرَةُ فَقَدْ وَجَبَتْ صَلاَةُ الْعِشَاءِ وَخَرَجْتَ مِنْ وَقْتِ الْمَغْرِبِ .

Arabic/English book reference : Book 1, Hadith 23

Yahya related to me from Malik from Nafi that one time Abdullah ibn Umar fainted and lost his senses and he did not make up the prayer.

Malik commented, "We consider that that was because, and Allah knows best, the time had passed. Someone who recovers within the time has to pray."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، أُغْمِيَ عَلَيْهِ فَذَهَبَ عَقْلُهُ فَلَمْ يَقْضِ الصَّلاَةَ . قَالَ مَالِكٌ وَذَلِكَ فِيمَا نَرَى - وَاللَّهُ أَعْلَمُ - أَنَّ الْوَقْتَ قَدْ ذَهَبَ فَأَمَّا مَنْ أَفَاقَ فِي الْوَقْتِ فَإِنَّهُ يُصَلِّي .

Arabic/English book reference : Book 1, Hadith 24

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, travelled by night on the way back from Khaybar.Towards the end of the night he stopped for a rest and told Bilal to stay awake to keep watch for the subh prayer. The Messenger of Allah, may Allah bless him and grant him peace, and his companions slept. Bilal stayed on guard as long as was decreed for him and then he leant against his riding camel facing the direction of the dawn and sleep overcame him and neither he nor the Messenger of Allah nor any of the party woke up until the sun's rays had struck them. The Messenger of Allah, may Allah bless him and grant him peace, was alarmed. Bilal excused himself, saying, "Messenger of Allah! The One who took your self was the One who took myself. "The Messenger of Allah, may Allah bless him and grant him peace, ordered the party to move on and so they roused thei r mounts and rode on a short distance. The Messenger of Allah, may Allah bless him and grant him peace, ordered Bilal to give the iqama and then led them in the subh prayer. When he had finished he said, "Anyone who forgets a prayer should pray it when he remembers. Allah theBlessed and Exalted says in His book, 'Establish the prayer to remember Me.'"

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم حِينَ قَفَلَ مِنْ خَيْبَرَ أَسْرَى حَتَّى إِذَا كَانَ مِنْ آخِرِ اللَّيْلِ عَرَّسَ وَقَالَ لِبِلاَلٍ " اكْلأْنَا الصُّبْحَ " . وَنَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَأَصْحَابُهُ وَكَلأَ بِلاَلٌ مَا قُدِّرَ لَهُ ثُمَّ اسْتَنَدَ إِلَى رَاحِلَتِهِ وَهُوَ مُقَابِلُ الْفَجْرِ فَغَلَبَتْهُ عَيْنَاهُ فَلَمْ يَسْتَيْقِظْ رَسُولُ اللَّهِ صلى الله عليه وسلم وَلاَ بِلاَلٌ وَلاَ أَحَدٌ مِنَ الرَّكْبِ حَتَّى ضَرَبَتْهُمُ الشَّمْسُ فَفَزِعَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقَالَ بِلاَلٌ يَا رَسُولَ اللَّهِ أَخَذَ بِنَفْسِي الَّذِي أَخَذَ بِنَفْسِكَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اقْتَادُوا " . فَبَعَثُوا رَوَاحِلَهُمْ وَاقْتَادُوا شَيْئًا ثُمَّ أَمَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِلاَلاً فَأَقَامَ الصَّلاَةَ فَصَلَّى بِهِمْ رَسُولُ اللَّهِ صلى الله عليه وسلم الصُّبْحَ ثُمَّ قَالَ حِينَ قَضَى الصَّلاَةَ " مَنْ نَسِيَ الصَّلاَةَ فَلْيُصَلِّهَا إِذَا ذَكَرَهَا فَإِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ فِي كِتَابِهِ {أَقِمِ الصَّلاَةَ لِذِكْرِي} " .

Arabic/English book reference : Book 1, Hadith 25

Yahya related to me from Malik that Zayd ibn Aslam said, "The Messenger of Allah, may Allah bless him and grant him peace, stopped for a rest one night on the way to Makka and appointed Bilal to wake them up for the prayer. Bilal slept and everyone else slept and none of them woke up until the sun had risen. When they did wake up they were all alarmed. The Messenger of Allah, may Allah bless him and grant him peace, ordered them to ride out of the valley, saying that there was a shaytan in it. So they rode out of the valley and the Messenger of Allah, may Allah bless him and grant him peace, ordered them to dismount and do wudu and he told Bilal either to call the prayer or to give the iqama. The Messenger of Allah, may Allah bless him and grant him peace, then led them in the prayer. Noticing their uneasiness, he went to them and said, 'O people! Allah seized our spirits (arwah) and if He had wished He would have returned them to us at a time other than this. So if you sleep through the time for a prayer or forget it and then are anxious about it, pray it as if you were praying it in its time.' The Messenger of Allah, may Allah bless him and grant him peace, turned to Abu Bakr and said, 'Shaytan came to Bilal when he was standing in prayer and made him lie down and lulled him to sleep like a small boy.' The Messenger of Allah, may Allah bless him and grant him peace, then called Bilal and told him the same as he had told Abu Bakr. Abu Bakr declared, 'I bear witness that you are the Messenger of Allah.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّهُ قَالَ عَرَّسَ رَسُولُ اللَّهِ صلى الله عليه وسلم لَيْلَةً بِطَرِيقِ مَكَّةَ وَوَكَّلَ بِلاَلاً أَنْ يُوقِظَهُمْ لِلصَّلاَةِ فَرَقَدَ بِلاَلٌ وَرَقَدُوا حَتَّى اسْتَيْقَظُوا وَقَدْ طَلَعَتْ عَلَيْهِمُ الشَّمْسُ فَاسْتَيْقَظَ الْقَوْمُ وَقَدْ فَزِعُوا فَأَمَرَهُمْ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ يَرْكَبُوا حَتَّى يَخْرُجُوا مِنْ ذَلِكَ الْوَادِي وَقَالَ " إِنَّ هَذَا وَادٍ بِهِ شَيْطَانٌ " . فَرَكِبُوا حَتَّى خَرَجُوا مِنْ ذَلِكَ الْوَادِي ثُمَّ أَمَرَهُمْ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ يَنْزِلُوا وَأَنْ يَتَوَضَّئُوا وَأَمَرَ بِلاَلاً أَنْ يُنَادِيَ بِالصَّلاَةِ أَوْ يُقِيمَ فَصَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم بِالنَّاسِ ثُمَّ انْصَرَفَ إِلَيْهِمْ وَقَدْ رَأَى مِنْ فَزَعِهِمْ فَقَالَ " يَا أَيُّهَا النَّاسُ إِنَّ اللَّهَ قَبَضَ أَرْوَاحَنَا وَلَوْ شَاءَ لَرَدَّهَا إِلَيْنَا فِي حِينٍ غَيْرِ هَذَا فَإِذَا رَقَدَ أَحَدُكُمْ عَنِ الصَّلاَةِ أَوْ نَسِيَهَا ثُمَّ فَزِعَ إِلَيْهَا فَلْيُصَلِّهَا كَمَا كَانَ يُصَلِّيهَا فِي وَقْتِهَا " . ثُمَّ الْتَفَتَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِلَى أَبِي بَكْرٍ فَقَالَ " إِنَّ الشَّيْطَانَ أَتَى بِلاَلاً وَهُوَ قَائِمٌ يُصَلِّي فَأَضْجَعَهُ فَلَمْ يَزَلْ يُهَدِّئُهُ كَمَا يُهَدَّأُ الصَّبِيُّ حَتَّى نَامَ " . ثُمَّ دَعَا رَسُولُ اللَّهِ صلى الله عليه وسلم بِلاَلاً فَأَخْبَرَ بِلاَلٌ رَسُولَ اللَّهِ صلى الله عليه وسلم مِثْلَ الَّذِي أَخْبَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم أَبَا بَكْرٍ فَقَالَ أَبُو بَكْرٍ أَشْهَدُ أَنَّكَ رَسُولُ اللَّهِ .

Arabic/English book reference : Book 1, Hadith 26

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Scorching heat is a part of the blast of Jahannam. So, when the heat is fierce, delay the prayer until it gets cooler."

He added in explanation, "The Fire complained to its Lord and said, 'My Lord, part of me has eaten another part,' so He allowed it two breaths in every year, a breath in winter and a breath in summer."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّ شِدَّةَ الْحَرِّ مِنْ فَيْحِ جَهَنَّمَ فَإِذَا اشْتَدَّ الْحَرُّ فَأَبْرِدُوا عَنِ الصَّلاَةِ " .

وَقَالَ " اشْتَكَتِ النَّارُ إِلَى رَبِّهَا فَقَالَتْ يَا رَبِّ أَكَلَ بَعْضِي بَعْضًا . فَأَذِنَ لَهَا بِنَفَسَيْنِ فِي كُلِّ عَامٍ نَفَسٍ فِي الشِّتَاءِ وَنَفَسٍ فِي الصَّيْفِ " .

Arabic/English book reference : Book 1, Hadith 27

Malik related to us from Abdullah ibn Yazid the mawla of al-Aswad ibn Sufyan, from Abu Salama ibn Abd ar-Rahman from Muhammad ibn Abd ar-Rahman ibn Thawban from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the heat is fierce delay the prayer until it gets cooler, for scorching heat is a part of the blast of Jahannam."

He added, "The Fire complained to its Lord, so He allowed it two breaths in each year, a breath in winter and a breath in summer."

وَحَدَّثَنَا مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، مَوْلَى الأَسْوَدِ بْنِ سُفْيَانَ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، وَعَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا اشْتَدَّ الْحَرُّ فَأَبْرِدُوا عَنِ الصَّلاَةِ فَإِنَّ شِدَّةَ الْحَرِّ مِنْ فَيْحِ جَهَنَّمَ " . وَذَكَرَ " أَنَّ النَّارَ اشْتَكَتْ إِلَى رَبِّهَا فَأَذِنَ لَهَا فِي كُلِّ عَامٍ بِنَفَسَيْنِ نَفَسٍ فِي الشِّتَاءِ وَنَفَسٍ فِي الصَّيْفِ " .

Sunnah.com reference : Book 1, Hadith 28
USC-MSA web (English) reference : Book 1, Hadith 28
Arabic reference : Book 1, Hadith 29

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the heat is fierce, wait until it gets cooler before you do the prayer, for scorching heat is from the blast of Jahannam."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا اشْتَدَّ الْحَرُّ فَأَبْرِدُوا عَنِ الصَّلاَةِ فَإِنَّ شِدَّةَ الْحَرِّ مِنْ فَيْحِ جَهَنَّمَ " .

Sunnah.com reference : Book 1, Hadith 29
USC-MSA web (English) reference : Book 1, Hadith 29
Arabic reference : Book 1, Hadith 30

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, said, "Anyone who eats this plant should not come near our mosques. The smell of the garlic will offend us."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ أَكَلَ مِنْ هَذِهِ الشَّجَرَةِ فَلاَ يَقْرُبْ مَسَاجِدَنَا يُؤْذِينَا بِرِيحِ الثُّومِ " .

Sunnah.com reference : Book 1, Hadith 30
USC-MSA web (English) reference : Book 1, Hadith 30

Arabic reference : Book 1, Hadith 31

Yahya related to me from Malik from Abd ar-Rahman ibn al-Mujabbar that he used to see Salim ibn Abdullah pull the cloth away fiercely from the mouth of any man he saw covering his mouth while praying.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْمُجَبَّرِ، أَنَّهُ كَانَ يَرَى سَالِمَ بْنَ عَبْدِ اللَّهِ إِذَا رَأَى الإِنْسَانَ يُغَطِّي فَاهُ وَهُوَ يُصَلِّي جَبَذَ الثَّوْبَ عَنْ فِيهِ جَبْذًا شَدِيدًا حَتَّى يَنْزِعَهُ عَنْ فِيهِ .

Sunnah.com reference : Book 1, Hadith 31
USC-MSA web (English) reference : Book 1, Hadith 31
Arabic reference : Book 1, Hadith 32

2 - Purity كتاب الطهارة

Yahya related to me from Malik from Amr ibn Yahya al-Mazini that his father once asked Abdullah ibn Zayd ibn Asim, who was the grandfather of Amr ibn Yahya al-Mazini and one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, if he could show him how the Messenger of Allah, may Allah bless him and grant him peace, did wudu. Abdullah ibn Zayd ibn Asim agreed to do so and asked for water to do wudu. He poured some out on to his hand and washed each hand twice and then rinsed his mouth and snuffed water up his nose and blew it out three times.Then he washed hisface three times and both of his arms up to the elbows twice. He then wiped his head with both hands, taking his hands from hisforehead to the nape of his neck and then bringing them back to where he had begun. Then he washed his feet.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ، عَنْ أَبِيهِ، أَنَّهُ قَالَ لِعَبْدِ اللَّهِ بْنِ زَيْدِ بْنِ عَاصِمٍ وَهُوَ جَدُّ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ وَكَانَ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم هَلْ تَسْتَطِيعُ أَنْ تُرِيَنِي كَيْفَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَتَوَضَّأُ فَقَالَ عَبْدُ اللَّهِ بْنُ زَيْدِ بْنِ عَاصِمٍ نَعَمْ . فَدَعَا بِوَضُوءٍ فَأَفْرَغَ عَلَى يَدِهِ فَغَسَلَ يَدَيْهِ مَرَّتَيْنِ مَرَّتَيْنِ ثُمَّ تَمَضْمَضَ وَاسْتَنْثَرَ ثَلاَثًا ثُمَّ غَسَلَ وَجْهَهُ ثَلاَثًا ثُمَّ غَسَلَ يَدَيْهِ مَرَّتَيْنِ مَرَّتَيْنِ إِلَى الْمِرْفَقَيْنِ ثُمَّ مَسَحَ رَأْسَهُ بِيَدَيْهِ فَأَقْبَلَ بِهِمَا وَأَدْبَرَ بَدَأَ بِمُقَدَّمِ رَأْسِهِ ثُمَّ ذَهَبَ بِهِمَا إِلَى قَفَاهُ ثُمَّ رَدَّهُمَا حَتَّى رَجَعَ إِلَى الْمَكَانِ الَّذِي بَدَأَ مِنْهُ ثُمَّ غَسَلَ رِجْلَيْهِ .

USC-MSA web (English) reference : Book 2, Hadith 1
Arabic reference : Book 2, Hadith 33

Yahya related to me from Malik from Abu'zZinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you do wudu, snuff water into your nose and blow it out, and if you use stones to clean your private parts use an odd number."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا تَوَضَّأَ أَحَدُكُمْ فَلْيَجْعَلْ فِي أَنْفِهِ مَاءً ثُمَّ لِيَنْثِرْ وَمَنِ اسْتَجْمَرَ فَلْيُوتِرْ " .

USC-MSA web (English) reference : Book 2, Hadith 2
Arabic reference : Book 2, Hadith 34

Yahya related to me from Ibn Shihab from Abu Idris al-Khawlani from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The person doing wudu should snuff water up his nose and blow it out again."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي إِدْرِيسَ الْخَوْلاَنِيِّ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ تَوَضَّأَ فَلْيَسْتَنْثِرْ وَمَنِ اسْتَجْمَرَ فَلْيُوتِرْ " .

USC-MSA web (English) reference : Book 2, Hadith 3
Arabic reference : Book 2, Hadith 35

Yahya said that he heard Malik say that there was no harm in washing the mouth and cleaning the nose with only one handful of water.

USC-MSA web (English) reference : Book 2, Hadith 4

Yahya related to me from Malik that he had heard that Abd ar- Rahman ibn Abi Bakr was visiting A'isha, the wife of the Prophet, may AIIah bless him and grant him peace, on the day that Sad ibn Abi Waqqas died, and he asked for some water to do wudu. A'isha said to him, "Abd ar-Rahman! Perform your wudu fully, for I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Woe to the heels in the fire.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ الرَّحْمَنِ بْنَ أَبِي بَكْرٍ، قَدْ دَخَلَ عَلَى عَائِشَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم يَوْمَ مَاتَ سَعْدُ بْنُ أَبِي وَقَّاصٍ فَدَعَا بِوَضُوءٍ فَقَالَتْ لَهُ عَائِشَةُ يَا عَبْدَ الرَّحْمَنِ أَسْبِغِ الْوُضُوءَ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " وَيْلٌ لِلأَعْقَابِ مِنَ النَّارِ " .

USC-MSA web (English) reference : Book 2, Hadith 5
Arabic reference : Book 2, Hadith 36

Yahya related to me from Malik from Yahya ibn Muhammad ibn Talhafrom Uthman ibn Abd ar-Rahman that his father related to him that he had heard that Umar ibn al-Khattab used to wash what was beneath his waist wrapper with water.

Yahya said that Malik was asked what a man should do if, when he did wudu, he forgot and washed his face before he had rinsed his mouth, or washed his forearms before he had washed his face. He said, "If someone washes his face before rinsing his mouth, he should rinse his mouth and not wash his face again. If someone washes his forearms before his face, however, he should wash his forearms again so that he has washed them after his face. This is if he is still near the place (of wudu)."
Yahya said that Malik was asked about what a man should do if he had forgotten to rinse his mouth and nose until he had prayed, and he said, "He does not have to repeat the prayer, but should rinse his mouth and nose if he wishes to do any more prayers after that."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ مُحَمَّدِ بْنِ طَحْلاَءَ، عَنْ عُثْمَانَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ أَبَاهُ، حَدَّثَهُ أَنَّهُ، سَمِعَ عُمَرَ بْنَ الْخَطَّابِ، يَتَوَضَّأُ بِالْمَاءِ لِمَا تَحْتَ إِزَارِهِ . قَالَ يَحْيَى سُئِلَ مَالِكٌ عَنْ رَجُلٍ تَوَضَّأَ فَنَسِيَ فَغَسَلَ وَجْهَهُ قَبْلَ أَنْ يَتَمَضْمَضَ أَوْ غَسَلَ ذِرَاعَيْهِ قَبْلَ أَنْ يَغْسِلَ وَجْهَهُ فَقَالَ أَمَّا الَّذِي غَسَلَ وَجْهَهُ قَبْلَ أَنْ يَتَمَضْمَضَ فَلْيُمَضْمِضْ وَلاَ يُعِدْ غَسْلَ وَجْهِهِ وَأَمَّا الَّذِي غَسَلَ ذِرَاعَيْهِ قَبْلَ وَجْهِهِ فَلْيَغْسِلْ وَجْهَهُ ثُمَّ لِيُعِدْ غَسْلَ ذِرَاعَيْهِ حَتَّى يَكُونَ غَسْلُهُمَا بَعْدَ وَجْهِهِ إِذَا كَانَ ذَلِكَ فِي مَكَانِهِ أَوْ بِحَضْرَةِ ذَلِكَ . قَالَ يَحْيَى وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ نَسِيَ أَنْ يَتَمَضْمَضَ وَيَسْتَنْثِرَ حَتَّى صَلَّى قَالَ لَيْسَ عَلَيْهِ أَنْ يُعِيدَ صَلاَتَهُ وَلْيُمَضْمِضْ وَيَسْتَنْثِرْ مَا يَسْتَقْبِلُ إِنْ كَانَ يُرِيدُ أَنْ يُصَلِّيَ .

USC-MSA web (English) reference : Book 2, Hadith 6
Arabic reference : Book 2, Hadith 37

Yahya related to me from Malik from Abu'zZinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you wake up from sleep to pray, wash your hands before you put them in the wudu water, for you do not know where your hands have spent the night."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا اسْتَيْقَظَ أَحَدُكُمْ مِنْ نَوْمِهِ فَلْيَغْسِلْ يَدَهُ قَبْلَ أَنْ يُدْخِلَهَا فِي وَضُوئِهِ فَإِنَّ أَحَدَكُمْ لاَ يَدْرِي أَيْنَ بَاتَتْ يَدُهُ " .

USC-MSA web (English) reference : Book 2, Hadith 9
Arabic reference : Book 2, Hadith 38

Yahya related to me from Malik from Zayd ibn Aslam that Umar ibn al-Khattab said, "If you fall asleep Iying down you must do wudu (before you pray) . "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ إِذَا نَامَ أَحَدُكُمْ مُضْطَجِعًا فَلْيَتَوَضَّأْ .

USC-MSA web (English) reference : Book 2, Hadith 10
Arabic reference : Book 2, Hadith 39

Yahya related to me from Malik from Zayd ibn Aslam that the ayat "You who believe! When you rise for prayer wash your faces, and your arms to the elbows, and wipe over your heads and your feet up to the ankles," refers to rising from bed, meaning sleep.

Yahya said that Malik said, "The situation with us is that one does not have to do wudu for a nose-bleed, or for blood, or for pus issuing from the body. One only has to do wudu for impurities which issue from the genitals or the anus, or for sleep."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ تَفْسِيرَ، هَذِهِ الآيَةِ {يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلاَةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ}أَنَّ ذَلِكَ إِذَا قُمْتُمْ مِنَ الْمَضَاجِعِ . يَعْنِي النَّوْمَ . قَالَ يَحْيَى قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّهُ لاَ يَتَوَضَّأُ مِنْ رُعَافٍ وَلاَ مِنْ دَمٍ وَلاَ مِنْ قَيْحٍ يَسِيلُ مِنَ الْجَسَدِ وَلاَ يَتَوَضَّأُ إِلاَّ مِنْ حَدَثٍ يَخْرُجُ مِنْ ذَكَرٍ أَوْ دُبُرٍ أَوْ نَوْمٍ .

USC-MSA web (English) reference : Book 2, Hadith 10
Arabic reference : Book 2, Hadith 40

Yahya related to me from Malik from Nafithat Ibn Umar used to sleep sitting and then would pray without doing wudu.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ ابْنَ عُمَرَ، كَانَ يَنَامُ جَالِسًا ثُمَّ يُصَلِّي وَلاَ يَتَوَضَّأُ .

USC-MSA web (English) reference : Book 2, Hadith 10
Arabic reference : Book 2, Hadith 41

Yahya related to me from Malik from Safwan ibn Sulaym from Said ibn Salama of the Bani Azraq from al-Mughira ibn Abi Burda of the tribe of Bani Abd ad-Dar that he had heard Abu Hurayra speak about a man who came to the Messenger of Allah, may Allah bless him and grant him peace, and said, "Messenger of Allah! We travel by sea and we do not carry much fresh water with us so if we do wudu with it we go thirsty. Can we do wudu with seawater?" The Messenger of Allah, may Allah bless him and grant him peace, replied, "lts water is pure, and its dead creatures are halal."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ صَفْوَانَ بْنِ سُلَيْمٍ، عَنْ سَعِيدِ بْنِ سَلَمَةَ، - مِنْ آلِ بَنِي الأَزْرَقِ - عَنِ الْمُغِيرَةِ بْنِ أَبِي بُرْدَةَ، - وَهُوَ مِنْ بَنِي عَبْدِ الدَّارِ - أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ، يَقُولُ جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ إِنَّا نَرْكَبُ الْبَحْرَ وَنَحْمِلُ مَعَنَا الْقَلِيلَ مِنَ الْمَاءِ فَإِنْ تَوَضَّأْنَا بِهِ عَطِشْنَا أَفَنَتَوَضَّأُ بِهِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " هُوَ الطَّهُورُ مَاؤُهُ الْحِلُّ مَيْتَتُهُ " .

USC-MSA web (English) reference : Book 2, Hadith 12
Arabic reference : Book 2, Hadith 42

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha from Humayda bint Abi Ubayda ibn Farwa that her maternal aunt Kabsha bint Kab ibn Malik, who was the wife of the son of Abu Qatada al-Ansari, told her that once Abu Qatada was visiting her and she poured out some water for him to do wudu with. Just then a cat came to drink from it, so he tilted the vessel towards it to let it drink. Kabsha continued, "He saw me looking at him and said, 'Are you surprised, daughter of my brother?' I said, 'Yes.' He replied that the Messenger of Allah, may Allah bless him and grant him peace, said, cats are not impure. They intermingle with you .' "

Yahya said that Malik said, "There is no harm in that unless one sees impurities on the cat's mouth."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ حُمَيْدَةَ بِنْتِ أَبِي عُبَيْدَةَ بْنِ فَرْوَةَ، عَنْ خَالَتِهَا، كَبْشَةَ بِنْتِ كَعْبِ بْنِ مَالِكٍ - وَكَانَتْ تَحْتَ ابْنِ أَبِي قَتَادَةَ الأَنْصَارِيِّ - أَنَّهَا أَخْبَرَتْهَا أَنَّ أَبَا قَتَادَةَ دَخَلَ عَلَيْهَا فَسَكَبَتْ لَهُ وَضُوءًا فَجَاءَتْ هِرَّةٌ لِتَشْرَبَ مِنْهُ فَأَصْغَى لَهَا الإِنَاءَ حَتَّى شَرِبَتْ قَالَتْ كَبْشَةُ فَرَآنِي أَنْظُرُ إِلَيْهِ فَقَالَ أَتَعْجَبِينَ يَا ابْنَةَ أَخِي قَالَتْ فَقُلْتُ نَعَمْ . فَقَالَ إِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّهَا لَيْسَتْ بِنَجَسٍ إِنَّمَا هِيَ مِنَ الطَّوَّافِينَ عَلَيْكُمْ أَوِ الطَّوَّافَاتِ " .

USC-MSA web (English) reference : Book 2, Hadith 13
Arabic reference : Book 2, Hadith 43

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Ibrahim ibn alHarith at-Taymi from Yahya ibn Abd ar-Rahman ibn Hatib that Umar ibn al-Khattab set out on one occasion with a party of riders, one of whom was Amr ibn al-As. They came to a watering place and Amr ibn al-As asked the man who owned it whether wild beasts drank from it. Umar ibn al-Khattab told the owner of the watering place not to answer, since the people drank after the wild beasts and the wild beasts drank after them.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، عَنْ يَحْيَى بْنِ عَبْدِ الرَّحْمَنِ بْنِ حَاطِبٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، خَرَجَ فِي رَكْبٍ فِيهِمْ عَمْرُو بْنُ الْعَاصِ حَتَّى وَرَدُوا حَوْضًا فَقَالَ عَمْرُو بْنُ الْعَاصِ لِصَاحِبِ الْحَوْضِ يَا صَاحِبَ الْحَوْضِ هَلْ تَرِدُ حَوْضَكَ السِّبَاعُ فَقَالَ عُمَرُ بْنُ الْخَطَّابِ يَا صَاحِبَ الْحَوْضِ لاَ تُخْبِرْنَا فَإِنَّا نَرِدُ عَلَى السِّبَاعِ وَتَرِدُ عَلَيْنَا .

USC-MSA web (English) reference : Book 2, Hadith 14
Arabic reference : Book 2, Hadith 44

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say that men and their wives used to do wudu together in the time of the Messenger of Allah.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ إِنْ كَانَ الرِّجَالُ وَالنِّسَاءُ فِي زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم لَيَتَوَضَّئُونَ جَمِيعًا .

USC-MSA web (English) reference : Book 2, Hadith 15
Arabic reference : Book 2, Hadith 45

Yahya related to me from Malik from Muhammad ibn Umara from Muhammad ibn Ibrahim that the mother of the son of Ibrahim ibn Abd ar- Rahman ibn Awf questioned Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, and said, "I am a woman who wears a long skirt and (sometimes) I walk in dirty places." Umm Salama replied, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'What follows (i.e. clean places) purifies it.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عُمَارَةَ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أُمِّ وَلَدٍ، لإِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَنَّهَا سَأَلَتْ أُمَّ سَلَمَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم فَقَالَتْ إِنِّي امْرَأَةٌ أُطِيلُ ذَيْلِي وَأَمْشِي فِي الْمَكَانِ الْقَذِرِ قَالَتْ أُمُّ سَلَمَةَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " **يُطَهِّرُهُ مَا بَعْدَهُ** " .

USC-MSA web (English) reference : Book 2, Hadith 16
Arabic reference : Book 2, Hadith 46

Yahya related to me from Malik that he saw Rabia ibn Abd ar- Rahman vomit several times when he was in the mosque and he did not leave, nor did he do wudu before he prayed.

Yahya said that Malik was asked whether a man who vomited food had to do wudu and he said, "He does not have to do wudu, but he should rinse the inside of his mouth and wash his mouth out."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ رَأَى رَبِيعَةَ بْنَ أَبِي عَبْدِ الرَّحْمَنِ يَقْلِسُ مِرَارًا وَهُوَ فِي الْمَسْجِدِ فَلاَ يَنْصَرِفُ وَلاَ يَتَوَضَّأُ حَتَّى يُصَلِّيَ . قَالَ يَحْيَى وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ قَلَسَ طَعَامًا هَلْ عَلَيْهِ وُضُوءٌ فَقَالَ لَيْسَ عَلَيْهِ وُضُوءٌ وَلْيَتَمَضْمَضْ مِنْ ذَلِكَ وَلْيَغْسِلْ فَاهُ .

USC-MSA web (English) reference : Book 2, Hadith 17
Arabic reference : Book 2, Hadith 47

Yahya related to me from Malik from Nafi that Abdullah ibn Umar prepared the body of one of Said ibn Zayd's sons for burial and carried it and then entered the mosque and prayed without doing wudu.

Yahya said that Malik was asked whether it was necessary to do wudu because of regurgitating undigested food and he said, "No, wudu is not necessary, but the mouth should be rinsed."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، حَنَّطَ ابْنًا لِسَعِيدِ بْنِ زَيْدٍ وَحَمَلَهُ ثُمَّ دَخَلَ الْمَسْجِدَ فَصَلَّى وَلَمْ يَتَوَضَّأْ . قَالَ يَحْيَى وَسُئِلَ مَالِكٌ هَلْ فِي الْقَىْءِ وُضُوءٌ قَالَ لاَ وَلَكِنْ لِيَتَمَضْمَضْ مِنْ ذَلِكَ وَلْيَغْسِلْ فَاهُ وَلَيْسَ عَلَيْهِ وُضُوءٌ .

USC-MSA web (English) reference : Book 2, Hadith 18
Arabic reference : Book 2, Hadith 48

Yahya related to me from Malik from Zayd Aslam from Ata ibn Yasar from Abdullah Abbas that the Messenger of Allah, may Allah bless him and grant him peace, ate a shoulder of lamb and then prayed without doing wudu.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، . أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَكَلَ كَتِفَ شَاةٍ ثُمَّ صَلَّى وَلَمْ يَتَوَضَّأْ .

USC-MSA web (English) reference : Book 2, Hadith 19
Arabic reference : Book 2, Hadith 49

Yahya related to me from Malik from Yahya ibn Said from Bushayr ibn Yasar, the mawla of the Bani Haritha, that Suwayd ibn anNuman told him that he went with the Messenger of Allah, may Allah bless him and grant him peace, on the expedition to Khaybar. When they reached as Suhba, which was near Khaybar, the Messenger of Allah, may Allah bless him and grant him peace, stopped and prayed asr. He asked for provisions but only parched barley was brought, so he asked for it to be moistened. The Messenger of Allah, may Allah bless him and grant him peace, ate and the people ate with him. Then he got up to do maghrib and rinsed his mouth out and they rinsed out theirs. Then he prayed without doing wudu.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، مَوْلَى بَنِي حَارِثَةَ عَنْ سُوَيْدِ بْنِ النُّعْمَانِ، أَنَّهُ أَخْبَرَهُ أَنَّهُ، خَرَجَ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ خَيْبَرَ حَتَّى إِذَا كَانُوا بِالصَّهْبَاءِ - وَهِيَ مِنْ أَدْنَى خَيْبَرَ - نَزَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَصَلَّى الْعَصْرَ ثُمَّ دَعَا بِالأَزْوَادِ فَلَمْ يُؤْتَ إِلاَّ بِالسَّوِيقِ فَأَمَرَ بِهِ فَثُرِّيَ فَأَكَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَأَكَلْنَا ثُمَّ قَامَ إِلَى الْمَغْرِبِ فَمَضْمَضَ وَمَضْمَضْنَا ثُمَّ صَلَّى وَلَمْ يَتَوَضَّأْ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 20
Arabic reference : Book 2, Hadith 50

Yahya related to me from Malik that both Muhammad ibn al-Munkadir and Safwan ibn Sulaym transmitted to him from Muhammad ibn Ibrahim ibn al-Harith at-Taymi from Rabia ibn Abdullah ibn al-Hudayr that he had eaten an evening meal with Umar ibn al-Khattab who then prayed without doing wudu.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، وَعَنْ صَفْوَانَ بْنِ سُلَيْمٍ، أَنَّهُمَا أَخْبَرَاهُ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، عَنْ رَبِيعَةَ بْنِ عَبْدِ اللَّهِ بْنِ الْهُدَيْرِ، أَنَّهُ تَعَشَّى مَعَ عُمَرَ بْنِ الْخَطَّابِ ثُمَّ صَلَّى وَلَمْ يَتَوَضَّأْ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 21
Arabic reference : Book 2, Hadith 51

Yahya related to me from Malik from Damra ibn Said al-Mazini from Aban ibn Uthman that Uthman ibn Affan ate bread and meat, rinsed his mouth out, washed his hands and wiped his face with them, and then prayed without doing wudu.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ضَمْرَةَ بْنِ سَعِيدٍ الْمَازِنِيِّ، عَنْ أَبَانَ بْنِ عُثْمَانَ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، أَكَلَ خُبْزًا وَلَحْمًا ثُمَّ مَضْمَضَ وَغَسَلَ يَدَيْهِ وَمَسَحَ بِهِمَا وَجْهَهُ ثُمَّ صَلَّى وَلَمْ يَتَوَضَّأْ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 22
Arabic reference : Book 2, Hadith 52

Yahya related to me from Malik that he had heard that Ali ibn Abi Talib and Abdullah ibn Abbas did not do wudu after eating cooked food.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ، وَعَبْدَ اللَّهِ بْنَ عَبَّاسٍ، كَانَا لاَ يَتَوَضَّآنِ مِمَّا مَسَّتِ النَّارُ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 23
Arabic reference : Book 2, Hadith 53

Yahya related to me from Malik from Yahya ibn Said that he asked Abdullah ibn Amir ibn Rabia whether a man who did wudu for prayer and then ate cooked food had to do wudu again. He said, "I saw my father do that without doing wudu ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَأَلَ عَبْدَ اللَّهِ بْنَ عَامِرِ بْنِ رَبِيعَةَ عَنِ الرَّجُلِ، يَتَوَضَّأُ لِلصَّلاَةِ ثُمَّ يُصِيبُ طَعَامًا قَدْ مَسَّتْهُ النَّارُ أَيَتَوَضَأُ قَالَ رَأَيْتُ أَبِي يَفْعَلُ ذَلِكَ وَلاَ يَتَوَضَّأُ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 24
Arabic reference : Book 2, Hadith 54

Yahya related to me from Malik from Abu Nuaym Wahb ibn Kaysan that he heard Jabir ibn Abdullah al-Ansari saying, "I saw Abu Bakr as- Siddiq eat meat and then pray without doing wudu."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي نُعَيْمٍ، وَهْبِ بْنِ كَيْسَانَ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ الأَنْصَارِيَّ، يَقُولُ رَأَيْتُ أَبَا بَكْرٍ الصِّدِّيقَ أَكَلَ لَحْمًا ثُمَّ صَلَّى وَلَمْ يَتَوَضَّأْ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 25
Arabic reference : Book 2, Hadith 55

Yahya related to me from Malik from Muhammad ibn al-Munkadir that the Messenger of Allah, may Allah bless him and grant him peace, was invited to eat, and some bread and meat was brought to him. He ate some of it, and then did wudu and prayed. Then more of the same food was brought and he ate some more and then prayed without doing wudu.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم دُعِيَ لِطَعَامٍ فَقُرِّبَ إِلَيْهِ خُبْزٌ وَلَحْمٌ فَأَكَلَ مِنْهُ ثُمَّ تَوَضَّأَ وَصَلَّى ثُمَّ أُتِيَ بِفَضْلِ ذَلِكَ الطَّعَامِ فَأَكَلَ مِنْهُ ثُمَّ صَلَّى وَلَمْ يَتَوَضَّأْ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 26
Arabic reference : Book 2, Hadith 56

It was related to me from Malik from Musa ibn Uqba from Abd ar- Rahman ibn Yazid al-Ansari that when Anas ibn Malik came back from Iraq, Abu Talha and Ubayy ibn Kab visited him. He brought them some cooked food and they ate, and then Anas got up and did wudu. Abu Talha and Ubayy ibn Kab asked, "What's this, Anas? Is it an Iraqi custom?" and Anas said, "I wish I had not done it." (i.e. wudu). Abu Talha and Ubayy ibn Kab both got up and prayed without doing wudu.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ زَيْدٍ الأَنْصَارِيِّ، أَنَّ أَنَسَ بْنَ مَالِكٍ، قَدِمَ مِنَ الْعِرَاقِ فَدَخَلَ عَلَيْهِ أَبُو طَلْحَةَ وَأُبَىُّ بْنُ كَعْبٍ فَقَرَّبَ لَهُمَا طَعَامًا قَدْ مَسَّتْهُ النَّارُ فَأَكَلُوا مِنْهُ فَقَامَ أَنَسٌ فَتَوَضَّأَ فَقَالَ أَبُو طَلْحَةَ وَأُبَىُّ بْنُ كَعْبٍ مَا هَذَا يَا أَنَسُ أَعِرَاقِيَّةٌ فَقَالَ أَنَسٌ لَيْتَنِي لَمْ أَفْعَلْ ‏.‏ وَقَامَ أَبُو طَلْحَةَ وَأُبَىُّ بْنُ كَعْبٍ فَصَلَّيَا وَلَمْ يَتَوَضَّآ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 27
Arabic reference : Book 2, Hadith 57

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, was asked about cleaning after excretion. He replied, "Are any of you unable to find three stones?"

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سُئِلَ عَنْ الاِسْتِطَابَةِ فَقَالَ ‏"‏ أَوَلاَ يَجِدُ أَحَدُكُمْ ثَلاَثَةَ أَحْجَارٍ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 28
Arabic reference : Book 2, Hadith 58

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, went to the burial grounds and said, "Peace be upon you, home of a people who believe! We shall be among you, Allah willing. I wish that I had seen our brothers!" The people with him said, "Messenger of Allah! Are we not your brothers?" "No," he said, "You are my companions. Our brothers are those who have not yet come. And I will precede them to the Hawd. (The Hawd:

the watering place of the Prophet, may Allah bless him and grant him peace, from which he will give to the people of his community on the day of rising.)" They asked him, "Messenger of Allah! How will you recognise those of your community who come after you?"

He said, "Doesn't a man who has horses with white legs and white blazes on their foreheads among totally black horses recognise which ones are his own?" They said, "Of course, Messenger of Allah." He went on, "Even so will they come on the day of rising with white marks on their foreheads, hands and feet from wudu, and I will precede them to the Hawd. Some men will be driven away from the Hawd as if they were straying camels and I shall call out to them, 'Will you not come? Will you not come? Will you not come?' and someone will say, 'They changed things after you,' so I shall say, 'Then away with them, away with them, away with them!' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم خَرَجَ إِلَى الْمَقْبُرَةِ فَقَالَ " السَّلاَمُ عَلَيْكُمْ دَارَ قَوْمٍ مُؤْمِنِينَ وَإِنَّا إِنْ شَاءَ اللَّهُ بِكُمْ لاَحِقُونَ وَدِدْتُ أَنِّي قَدْ رَأَيْتُ إِخْوَانَنَا " . فَقَالُوا يَا رَسُولَ اللَّهِ أَلَسْنَا بِإِخْوَانِكَ قَالَ " بَلْ أَنْتُمْ أَصْحَابِي وَإِخْوَانُنَا الَّذِينَ لَمْ يَأْتُوا بَعْدُ وَأَنَا فَرَطُهُمْ عَلَى الْحَوْضِ " . فَقَالُوا يَا رَسُولَ اللَّهِ كَيْفَ تَعْرِفُ مَنْ يَأْتِي بَعْدَكَ مِنْ أُمَّتِكَ قَالَ " أَرَأَيْتَ لَوْ كَانَ لِرَجُلٍ خَيْلٌ غُرٌّ مُحَجَّلَةٌ فِي خَيْلٍ دُهْمٍ بُهْمٍ أَلاَ يَعْرِفُ خَيْلَهُ " . قَالُوا بَلَى يَا رَسُولَ اللَّهِ . قَالَ " فَإِنَّهُمْ يَأْتُونَ يَوْمَ الْقِيَامَةِ غُرًّا مُحَجَّلِينَ مِنَ الْوُضُوءِ وَأَنَا فَرَطُهُمْ عَلَى الْحَوْضِ فَلاَ يُذَادَنَّ رِجَالٌ عَنْ حَوْضِي كَمَا يُذَادُ الْبَعِيرُ الضَّالُّ أُنَادِيهِمْ أَلاَ هَلُمَّ أَلاَ هَلُمَّ أَلاَ هَلُمَّ فَيُقَالُ إِنَّهُمْ قَدْ بَدَّلُوا بَعْدَكَ فَأَقُولُ فَسُحْقًا فَسُحْقًا فَسُحْقًا " .

USC-MSA web (English) reference : Book 2, Hadith 29
Arabic reference : Book 2, Hadith 59

Yahya related to me from Malik from Hisham ibn Urwa from his father from Humran, the mawla of Uthman ibn Affan, that Uthman ibn Affan was once sitting on the Maqaid (the benches surrounding the Madina Mosque, or else a stone near Uthman ibn Affan's house where he sat to discuss with people), when the muadhdhin came and told him that it was time for the asr prayer. He called for water and did wudu. Then he said, "By Allah, I shall tell you something which I would not tell you if it were not in the Book of Allah. I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'If a man does wudu, and makes sure he does it correctly, and then does the prayer, he will be forgiven everything that he does between then and the time when he prays the next prayer.' "

Yahya said that Malik said, "I believe he meant this ayat - 'Establish prayer at the two ends of the day and in some watches of the night. Good actions take away wrong actions. That is a reminder for those who remember.' " (Sura 11 ayat 114).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ حُمْرَانَ، مَوْلَى عُثْمَانَ بْنِ عَفَّانَ أَنَّ عُثْمَانَ بْنَ عَفَّانَ، جَلَسَ عَلَى الْمَقَاعِدِ فَجَاءَ الْمُؤَذِّنُ فَآذَنَهُ بِصَلاَةِ الْعَصْرِ فَدَعَا بِمَاءٍ فَتَوَضَّأَ ثُمَّ قَالَ وَاللَّهِ لأُحَدِّثَنَّكُمْ حَدِيثًا لَوْلاَ أَنَّهُ فِي كِتَابِ اللَّهِ مَا حَدَّثْتُكُمُوهُ ثُمَّ قَالَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " مَا مِنِ امْرِئٍ يَتَوَضَّأُ فَيُحْسِنُ وُضُوءَهُ ثُمَّ يُصَلِّي الصَّلاَةَ إِلاَّ غُفِرَ لَهُ مَا بَيْنَهُ وَبَيْنَ الصَّلاَةِ الأُخْرَى حَتَّى يُصَلِّيَهَا " .

USC-MSA web (English) reference : Book 2, Hadith 30
Arabic reference : Book 2, Hadith 60

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar from Abdullah as-Sanabihi that the Messenger of Allah, may Allah bless him and grant him peace, said, "A trusting slave does wudu and as he rinses his mouth the wrong actions leave it. As he cleans his nose the wrong actions leave it. As he washes his face, the wrong actions leave it, even from underneath his eyelashes. As he washes his hands the wrong actions leave them, even

from underneath his fingernails. As he wipes his head the wrong actions leave it, even from his ears. And as he washes his feet the wrong actions leave them, even from underneath the toenails of both his feet." He added, "Then his walking to the mosque and his prayer are an extra reward for him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ عَبْدِ اللَّهِ الصُّنَابِحِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا تَوَضَّأَ الْعَبْدُ الْمُؤْمِنُ فَتَمَضْمَضَ خَرَجَتِ الْخَطَايَا مِنْ فِيهِ وَإِذَا اسْتَنْثَرَ خَرَجَتِ الْخَطَايَا مِنْ أَنْفِهِ فَإِذَا غَسَلَ وَجْهَهُ خَرَجَتِ الْخَطَايَا مِنْ وَجْهِهِ حَتَّى تَخْرُجَ مِنْ تَحْتِ أَشْفَارِ عَيْنَيْهِ فَإِذَا غَسَلَ يَدَيْهِ خَرَجَتِ الْخَطَايَا مِنْ يَدَيْهِ حَتَّى تَخْرُجَ مِنْ تَحْتِ أَظْفَارِ يَدَيْهِ فَإِذَا مَسَحَ بِرَأْسِهِ خَرَجَتِ الْخَطَايَا مِنْ رَأْسِهِ حَتَّى تَخْرُجَ مِنْ أُذُنَيْهِ فَإِذَا غَسَلَ رِجْلَيْهِ خَرَجَتِ الْخَطَايَا مِنْ رِجْلَيْهِ حَتَّى تَخْرُجَ مِنْ تَحْتِ أَظْفَارِ رِجْلَيْهِ - قَالَ - ثُمَّ كَانَ مَشْيُهُ إِلَى الْمَسْجِدِ وَصَلاَتُهُ نَافِلَةً لَهُ " .

USC-MSA web (English) reference : Book 2, Hadith 31
Arabic reference : Book 2, Hadith 61

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A muslim slave (or a trusting slave) does wudu and as he washes his face every wrong action he has seen with his eyes leaves with the water (or the last drop of water). As he washes his hands every wrong action he has done with his hands leaves with the water (orthe last drop of water). And as he washes his feet every wrong action his feet have walked to leaves with the water (or the last drop of water) so that he comes away purified of wrong actions."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا تَوَضَّأَ الْعَبْدُ الْمُسْلِمُ - أَوِ الْمُؤْمِنُ - فَغَسَلَ وَجْهَهُ خَرَجَتْ مِنْ وَجْهِهِ كُلُّ خَطِيئَةٍ نَظَرَ إِلَيْهَا بِعَيْنَيْهِ مَعَ الْمَاءِ - أَوْ مَعَ آخِرِ قَطْرِ الْمَاءِ - فَإِذَا غَسَلَ يَدَيْهِ خَرَجَتْ مِنْ يَدَيْهِ كُلُّ خَطِيئَةٍ بَطَشَتْهَا يَدَاهُ مَعَ الْمَاءِ - أَوْ مَعَ آخِرِ قَطْرِ الْمَاءِ فَإِذَا غَسَلَ رِجْلَيْهِ خَرَجَتْ كُلُّ خَطِيئَةٍ مَشَتْهَا رِجْلاَهُ مَعَ الْمَاءِ - أَوْ مَعَ آخِرِ قَطْرِ الْمَاءِ - حَتَّى يَخْرُجَ نَقِيًّا مِنَ الذُّنُوبِ " .

USC-MSA web (English) reference : Book 2, Hadith 32
Arabic reference : Book 2, Hadith 62

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik said, "I saw the Messenger of Allah, may Allah bless him and grant him peace, on one occasion when the asr prayer was at hand . Everyone was looking for water for wudu but no- one could find any. Then the Messenger of Allah, may Allah bless him and grant him peace, brought some water in a vessel . He put his hand into the vessel and then he told them all to do wudu from it." Anas added, "I saw water coming out from his fingers. Then all of them to the last man did wudu."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم وَحَانَتْ صَلاَةُ الْعَصْرِ فَالْتَمَسَ النَّاسُ وَضُوءًا فَلَمْ يَجِدُوهُ فَأُتِيَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِوَضُوءٍ فِي إِنَاءٍ فَوَضَعَ رَسُولُ اللَّهِ صلى الله عليه وسلم فِي ذَلِكَ الإِنَاءِ يَدَهُ ثُمَّ أَمَرَ النَّاسَ يَتَوَضَّئُونَ مِنْهُ - قَالَ أَنَسٌ - فَرَأَيْتُ الْمَاءَ يَنْبُعُ مِنْ تَحْتِ أَصَابِعِهِ فَتَوَضَّأَ النَّاسُ حَتَّى تَوَضَّئُوا مِنْ عِنْدِ آخِرِهِمْ .

USC-MSA web (English) reference : Book 2, Hadith 33
Arabic reference : Book 2, Hadith 63

Yahya related to me from Malik from Nuaym ibn Abdullah al-Madani al-Mujmir that he heard Abu Hurayra say, "If someone does wudu and does it correctly and then goes off intending to do the prayer, then he is in prayer as long as he intends to do the prayer. A good action is written for every alternate step he makes and a wrong action is erased for the second. When you hear the iqama do not lengthen your stride, and the one who has the greatest reward is the one whose house is farthest away." They said, "Why, Abu Hurayra?" He replied, "Because of the greater number of steps."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نُعَيْمِ بْنِ عَبْدِ اللَّهِ الْمَدَنِيِّ الْمُجْمِرِ، أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ، يَقُولُ مَنْ تَوَضَّأَ فَأَحْسَنَ وُضُوءَهُ ثُمَّ خَرَجَ عَامِدًا إِلَى الصَّلاَةِ فَإِنَّهُ فِي صَلاَةٍ مَادَامَ يَعْمِدُ إِلَى الصَّلاَةِ وَإِنَّهُ يُكْتَبُ لَهُ بِإِحْدَى خُطْوَتَيْهِ حَسَنَةٌ وَيُمْحَى عَنْهُ بِالأُخْرَى سَيِّئَةٌ فَإِذَا سَمِعَ أَحَدُكُمُ الإِقَامَةَ فَلاَ يَسْعَ فَإِنَّ أَعْظَمَكُمْ أَجْرًا أَبْعَدُكُمْ دَارًا . قَالُوا لِمَ يَا أَبَا هُرَيْرَةَ قَالَ مِنْ أَجْلِ كَثْرَةِ الْخُطَا .

USC-MSA web (English) reference : Book 2, Hadith 34
Arabic reference : Book 2, Hadith 64

Yahya related to me from Malik from Yahya ibn Said that he heard someone ask Said ibn al-Musayyab about washing off excreta with water. Said said, "That is the way women wash."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يُسْأَلُ عَنِ الْوُضُوءِ، مِنَ الْغَائِطِ بِالْمَاءِ فَقَالَ سَعِيدٌ إِنَّمَا ذَلِكَ وُضُوءُ النِّسَاءِ .

USC-MSA web (English) reference : Book 2, Hadith 35
Arabic reference : Book 2, Hadith 65

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a dog drinks from your vessel, wash it seven times."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا شَرِبَ الْكَلْبُ فِي إِنَاءِ أَحَدِكُمْ فَلْيَغْسِلْهُ سَبْعَ مَرَّاتٍ " .

USC-MSA web (English) reference : Book 2, Hadith 36
Arabic reference : Book 2, Hadith 66

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "Try to go straight, although you will not be able to do so. Act, and the best of your actions is the prayer. And only a mumin is constant in his wudu."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " اسْتَقِيمُوا وَلَنْ تُحْصُوا وَاعْمَلُوا وَخَيْرُ أَعْمَالِكُمُ الصَّلاَةُ وَلاَ يُحَافِظُ عَلَى الْوُضُوءِ إِلاَّ مُؤْمِنٌ " .

USC-MSA web (English) reference : Book 2, Hadith 37
Arabic reference : Book 2, Hadith 67

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used two fingers to take water to his ears.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَأْخُذُ الْمَاءَ بِأَصْبُعَيْهِ لأُذُنَيْهِ .

USC-MSA web (English) reference : Book 2, Hadith 38
Arabic reference : Book 2, Hadith 68

Yahya related to me from Malik that he had heard that Jabir ibn Abdullah al-Ansari was asked about wiping over a turban. He said, "Not unless you have wiped over your hair with water."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ الأَنْصَارِيَّ، سُئِلَ عَنِ الْمَسْحِ، عَلَى الْعِمَامَةِ فَقَالَ لاَ حَتَّى يُمْسَحَ الشَّعْرُ بِالْمَاءِ .

USC-MSA web (English) reference : Book 2, Hadith 39
Arabic reference : Book 2, Hadith 69

Yahya related to me from Malik from Hisham ibn Urwa that Abu Urwa ibn az-Zubayr used to take off his turban and wipe his head with water.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ أَبَاهُ، عُرْوَةَ بْنَ الزُّبَيْرِ كَانَ يَنْزِعُ الْعِمَامَةَ وَيَمْسَحُ رَأْسَهُ بِالْمَاءِ .

USC-MSA web (English) reference : Book 2, Hadith 40
Arabic reference : Book 2, Hadith 70

Yahya related to me from Malik from Nafi that she saw Safiyya bint Abi Ubayd, the wife of Abdullah ibn 'Umar, take off her head- covering and wipe her head with water. Nafi was a child at the time.

Malik was asked about a man who did wudu but forgot to wipe his head until the water had dried. He said, "I consider that he should wipe his head and then repeat the prayer if he has already performed it."
Malik was asked about a man who did wudu but forgot to wipe his head until the water had dried. He said, "I consider that he should wipe his head and then repeat the prayer if he has already performed it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّهُ رَأَى صَفِيَّةَ بِنْتَ أَبِي عُبَيْدٍ امْرَأَةَ عَبْدِ اللَّهِ بْنِ عُمَرَ تَنْزِعُ خِمَارَهَا وَتَمْسَحُ عَلَى رَأْسِهَا بِالْمَاءِ وَنَافِعٌ يَوْمَئِذٍ صَغِيرٌ . وَسُئِلَ مَالِكٌ عَنِ الْمَسْحِ عَلَى الْعِمَامَةِ وَالْخِمَارِ فَقَالَ لاَ يَنْبَغِي أَنْ يَمْسَحَ الرَّجُلُ وَلاَ الْمَرْأَةُ عَلَى عِمَامَةٍ وَلاَ خِمَارٍ وَلْيَمْسَحَا عَلَى رُءُوسِهِمَا . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ تَوَضَّأَ فَنَسِيَ أَنْ يَمْسَحَ عَلَى رَأْسِهِ حَتَّى جَفَّ وَضُوءُهُ قَالَ أَرَى أَنْ يَمْسَحَ بِرَأْسِهِ وَإِنْ كَانَ قَدْ صَلَّى أَنْ يُعِيدَ الصَّلاَةَ .

USC-MSA web (English) reference : Book 2, Hadith 41
Arabic reference : Book 2, Hadith 71

Yahya related to me from Malik from Ibn Shihab from Abbad ibn Ziyad, a descendant of al-Mughira ibn Shuba from his father from al Mughira ibn Shuba that the Messenger of Allah, may Allah bless him and grant him peace, went to relieve himself during the expedition of Tabuk. Mughira said, "I went with him, taking water. Then the Messenger of Allah, may Allah bless him and grant him peace, came back and I poured out the water for him. He washed his hands and then went to push his hands out of the sleeves of his garment, but could not do so because of their narrowness. So he brought them out from underneath his garment. Then he washed his arms, wiped his head and wiped over his leather socks. The Messenger of Allah, may Allah bless him and grant him peace, returned and Abdar Rahman ibn Awf was leading the people in prayer, and he had already finished one raka with them. The Messenger of Allah, may Allah bless him and grant him peace, prayed the remaining raka with them to everyone's concern. When the Messenger of Allah, may Allah bless him and grant him peace, finished he said, 'You have acted correctly.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبَّادِ بْنِ زِيَادٍ، مِنْ وَلَدِ الْمُغِيرَةِ بْنِ شُعْبَةَ عَنْ أَبِيهِ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم ذَهَبَ لِحَاجَتِهِ فِي غَزْوَةِ تَبُوكَ - قَالَ الْمُغِيرَةُ - فَذَهَبْتُ مَعَهُ بِمَاءٍ فَجَاءَ رَسُولُ اللَّهِ صلى الله عليه وسلم

فَسَكَبْتُ عَلَيْهِ الْمَاءَ فَغَسَلَ وَجْهَهُ ثُمَّ ذَهَبَ يُخْرِجُ يَدَيْهِ مِنْ كُمَّىْ جُبَّتِهِ فَلَمْ يَسْتَطِعْ مِنْ ضِيقِ كُمَّىِ الْجُبَّةِ فَأَخْرَجَهُمَا مِنْ تَحْتِ الْجُبَّةِ فَغَسَلَ يَدَيْهِ وَمَسَحَ بِرَأْسِهِ وَمَسَحَ عَلَى الْخُفَّيْنِ فَجَاءَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَعَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ يَؤُمُّهُمْ وَقَدْ صَلَّى بِهِمْ رَكْعَةً فَصَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم الرَّكْعَةَ الَّتِي بَقِيَتْ عَلَيْهِمْ فَفَزِعَ النَّاسُ فَلَمَّا قَضَى رَسُولُ اللَّهِ صلى الله عليه وسلم قَالَ " أَحْسَنْتُمْ " .

USC-MSA web (English) reference : Book 2, Hadith 42
Arabic reference : Book 2, Hadith 72

Yahya related to me from Malik that Nafi and Abdullah ibn Dinar told him that Abdullah ibn Umar arrived at Kufa and went to Sad ibn Abi Waqqas, who was the Amir of Kufa at that time. Abdullah ibn Umar saw him wiping over his leather socks and disapproved of it. So Sad said to him, "Ask your father when you get back." Abdullah returned but forgot to ask Umar about the matter until Sad arrived and said, "Have you asked your father?" and he said, "No."

Abdullah then asked Umar and Umar replied, "If your feet are ritually pure when you put them in the leather socks then you can wipe over the socks." Abdullah said ,"What about if we have just come from relieving ourselves?" Umar said, "Yes, even if you have just come from relieving yourself."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، وَعَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّهُمَا أَخْبَرَاهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ قَدِمَ الْكُوفَةَ عَلَى سَعْدِ بْنِ أَبِي وَقَّاصٍ وَهُوَ أَمِيرُهَا فَرَآهُ عَبْدُ اللَّهِ بْنُ عُمَرَ يَمْسَحُ عَلَى الْخُفَّيْنِ فَأَنْكَرَ ذَلِكَ عَلَيْهِ فَقَالَ لَهُ سَعْدٌ سَلْ أَبَاكَ إِذَا قَدِمْتَ عَلَيْهِ فَقَدِمَ عَبْدُ اللَّهِ فَنَسِيَ أَنْ يَسْأَلَ عُمَرَ عَنْ ذَلِكَ حَتَّى قَدِمَ سَعْدٌ فَقَالَ أَسَأَلْتَ أَبَاكَ فَقَالَ لاَ . فَسَأَلَهُ عَبْدُ اللَّهِ فَقَالَ عُمَرُ إِذَا أَدْخَلْتَ رِجْلَيْكَ فِي الْخُفَّيْنِ وَهُمَا طَاهِرَتَانِ فَامْسَحْ عَلَيْهِمَا . قَالَ عَبْدُ اللَّهِ وَإِنْ جَاءَ أَحَدُنَا مِنَ الْغَائِطِ فَقَالَ عُمَرُ نَعَمْ وَإِنْ جَاءَ أَحَدُكُمْ مِنَ الْغَائِطِ .

USC-MSA web (English) reference : Book 2, Hadith 43
Arabic reference : Book 2, Hadith 73

Yahya related to me from Malik from Nafi that Abdullah ibn Umar urinated in the market place and then did wudu, washing his face and hands and wiping his head. Then as soon as he had come into the mosque, he was called to pray over a dead person, so he wiped over his leather socks and prayed.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، بَالَ فِي السُّوقِ ثُمَّ تَوَضَّأَ فَغَسَلَ وَجْهَهُ وَيَدَيْهِ وَمَسَحَ رَأْسَهُ ثُمَّ دُعِيَ لِجَنَازَةٍ لِيُصَلِّيَ عَلَيْهَا حِينَ دَخَلَ الْمَسْجِدَ فَمَسَحَ عَلَى خُفَّيْهِ ثُمَّ صَلَّى عَلَيْهَا .

USC-MSA web (English) reference : Book 2, Hadith 44
Arabic reference : Book 2, Hadith 74

Yahya related to me from Malik that Said ibn Abd ar-Rahman ibn Ruqash said, "I saw Anas ibn Malik come and squat and urinate.Then water was brought and he did wudu. He washed his face, then his arms to the elbows, and then he wiped his head and wiped over his leather socks. Then he came to the mosque and prayed."

Yahya said that Malik was asked whether a man who did wudu for prayerand then put on his leather socks, and then urinated and took them off and put them back on again, should begin wudu afresh.
Malik replied, "He should take off his socks and wash his feet. Only someone who puts on leather socks when his feet are (already) ritually purified by wudu can wipe over them. Someone who puts on leather socks when his feet are not ritually purified by wudu, should not wipe over them."

Yahya said that Malik was asked about a man who did wudu with his leather socks on and forgot to wipe over them until the water was dry and he had prayed, and he said, "He should wipe over his socks and repeat the prayer but not repeat wudu."
Malik was asked about a man who washed his feet and put on his leather socks and then started doing wudu, and he said, "He should take off his socks and do wudu and wash his feet."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ رُقَيْشٍ، أَنَّهُ قَالَ رَأَيْتُ أَنَسَ بْنَ مَالِكٍ أَتَى قُبَا فَبَالَ ثُمَّ أُتِيَ بِوَضُوءٍ فَتَوَضَّأَ فَغَسَلَ وَجْهَهُ وَيَدَيْهِ إِلَى الْمِرْفَقَيْنِ وَمَسَحَ بِرَأْسِهِ وَمَسَحَ عَلَى الْخُفَّيْنِ ثُمَّ جَاءَ الْمَسْجِدَ فَصَلَّى . قَالَ يَحْيَى وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ تَوَضَّأَ وُضُوءَ الصَّلاَةِ ثُمَّ لَبِسَ خُفَّيْهِ ثُمَّ بَالَ ثُمَّ نَزَعَهُمَا ثُمَّ رَدَّهُمَا فِي رِجْلَيْهِ أَيَسْتَأْنِفُ الْوُضُوءَ فَقَالَ لِيَنْزِعْ خُفَّيْهِ وَلْيَغْسِلْ رِجْلَيْهِ وَإِنَّمَا يَمْسَحُ عَلَى الْخُفَّيْنِ مَنْ أَدْخَلَ رِجْلَيْهِ فِي الْخُفَّيْنِ وَهُمَا طَاهِرَتَانِ بِطُهْرِ الْوُضُوءِ وَأَمَّا مَنْ أَدْخَلَ رِجْلَيْهِ فِي الْخُفَّيْنِ وَهُمَا غَيْرُ طَاهِرَتَيْنِ بِطُهْرِ الْوُضُوءِ فَلاَ يَمْسَحْ عَلَى الْخُفَّيْنِ . قَالَ وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ تَوَضَّأَ وَعَلَيْهِ خُفَّاهُ فَسَهَا عَنِ الْمَسْحِ عَلَى الْخُفَّيْنِ حَتَّى جَفَّ وَضُوءُهُ وَصَلَّى قَالَ لِيَمْسَحْ عَلَى خُفَّيْهِ وَلْيُعِدِ الصَّلاَةَ وَلاَ يُعِيدُ الْوُضُوءَ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ غَسَلَ قَدَمَيْهِ ثُمَّ لَبِسَ خُفَّيْهِ ثُمَّ اسْتَأْنَفَ الْوُضُوءَ فَقَالَ لِيَنْزِعْ خُفَّيْهِ ثُمَّ لْيَتَوَضَّأْ وَلْيَغْسِلْ رِجْلَيْهِ .

USC-MSA web (English) reference : Book 2, Hadith 45
Arabic reference : Book 2, Hadith 75

Yahya related to me from Malik from Hisham ibn Urwa that he saw his father wiping over his leather socks. He said, "When he wiped over his socks he would never do more than wipe the tops and he would not wipe the bottoms."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّهُ رَأَى أَبَاهُ يَمْسَحُ عَلَى الْخُفَّيْنِ قَالَ وَكَانَ لاَ يَزِيدُ إِذَا مَسَحَ عَلَى الْخُفَّيْنِ عَلَى أَنْ يَمْسَحَ ظُهُورَهُمَا وَلاَ يَمْسَحُ بُطُونَهُمَا .

USC-MSA web (English) reference : Book 2, Hadith 46
Arabic reference : Book 2, Hadith 76

Yahya related to me that Malik had asked Ibn Shihab how to wipe over leather socks. Ibn Shihab had put one hand under the sock and his other hand above the sock and then passed them over it.

Yahya said that Malik said, "Out of all that I have heard about the matter I like what Ibn Shihab said the most."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ الْمَسْحِ، عَلَى الْخُفَّيْنِ كَيْفَ هُوَ فَأَدْخَلَ ابْنُ شِهَابٍ إِحْدَى يَدَيْهِ تَحْتَ الْخُفِّ وَالأُخْرَى فَوْقَهُ ثُمَّ أَمَرَّهُمَا . قَالَ يَحْيَى قَالَ مَالِكٌ وَقَوْلُ ابْنِ شِهَابٍ أَحَبُّ مَا سَمِعْتُ إِلَيَّ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 2, Hadith 47
Arabic reference : Book 2, Hadith 77

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would leave and do wudu if he had a nose-bleed and then return and complete his prayer without saying anything.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا رَعَفَ انْصَرَفَ فَتَوَضَّأَ ثُمَّ رَجَعَ فَبَنَى وَلَمْ يَتَكَلَّمْ .

USC-MSA web (English) reference : Book 2, Hadith 48
Arabic reference : Book 2, Hadith 78

Yahya related to me from Malik from Nafi that Abdullah ibn Abbas used to have nose-bleeds and would leave to wash off the blood. He would then return and complete his prayer.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، كَانَ يَرْعُفُ فَيَخْرُجُ فَيَغْسِلُ الدَّمَ عَنْهُ ثُمَّ يَرْجِعُ فَيَبْنِي عَلَى مَا قَدْ صَلَّى ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 49
Arabic reference : Book 2, Hadith 79

Yahya related to me from Malik from Yazid ibn Abdullah Qusayt al- Laythi that he saw Said ibn al-Musayyab having a nose-bleed while praying. He went off to the room of Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, and water was brought to him and he did wudu. He then returned and completed his prayer.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ اللَّيْثِيِّ، أَنَّهُ رَأَى سَعِيدَ بْنَ الْمُسَيَّبِ رَعَفَ وَهُوَ يُصَلِّي فَأَتَى حُجْرَةَ أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم فَأُتِيَ بِوَضُوءٍ فَتَوَضَّأَ ثُمَّ رَجَعَ فَبَنَى عَلَى مَا قَدْ صَلَّى ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 50
Arabic reference : Book 2, Hadith 80

Yahya related to me that Abd ar-Rahman ibn Harmala al-Aslami said, "I saw Said ibn al-Musayyab with his nose bleeding and blood poured out of it so that his fingers were all red from the blood coming out of his nose, and he prayed without doing wudu."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ الأَسْلَمِيِّ، أَنَّهُ قَالَ رَأَيْتُ سَعِيدَ

USC-MSA web (English) reference : Book 2, Hadith 51
Arabic reference : Book 2, Hadith 81

Yahya related to me from Malik from Abd ar Rahman ibn al-Mujabbar that he saw Salim ibn Abdullah with blood running from his nose so that his fingers were all coloured red. Then he rubbed it and prayed without doing wudu.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْمُجَبَّرِ، أَنَّهُ رَأَى سَالِمَ بْنَ عَبْدِ اللَّهِ يَخْرُجُ مِنْ أَنْفِهِ الدَّمُ حَتَّى تَخْتَضِبَ أَصَابِعُهُ ثُمَّ يَفْتِلُهُ ثُمَّ يُصَلِّي وَلاَ يَتَوَضَّأُ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 52
Arabic reference : Book 2, Hadith 82

Yahya related to me from Hisham ibn Urwa from his father that al- Miswar ibn Makhrama told him that he had visited Umar ibn al Khattab on the night he was stabbed and had woken him up for the subh prayer and Umar had said, "Yes. Whoever stops doing the prayer will get nothing from Islam," and he did the prayer with blood pouring from his wound.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ الْمِسْوَرَ بْنَ مَخْرَمَةَ، أَخْبَرَهُ أَنَّهُ، دَخَلَ عَلَى عُمَرَ بْنِ الْخَطَّابِ مِنَ اللَّيْلَةِ الَّتِي طُعِنَ فِيهَا فَأَيْقَظَ عُمَرَ لِصَلاَةِ الصُّبْحِ فَقَالَ عُمَرُ نَعَمْ وَلاَ حَظَّ فِي الإِسْلاَمِ لِمَنْ تَرَكَ الصَّلاَةَ ‏.‏ فَصَلَّى عُمَرُ وَجُرْحُهُ يَثْعَبُ دَمًا ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 53
Arabic reference : Book 2, Hadith 83

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab was asked, "What do you say about someone who is afflicted by a nose-bleed which does not stop? "Malik said that Yahya ibn Said said that Said ibn al Musayyab said, "I say that he should signal with his head." (i.e. instead of doing sajda or ruku.)

Yahya said that Malik said, "That is what I like most out of what I have heard about the matter."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، قَالَ مَا تَرَوْنَ فِيمَنْ غَلَبَهُ الدَّمُ مِنْ رُعَافٍ فَلَمْ يَنْقَطِعْ عَنْهُ قَالَ مَالِكٌ قَالَ يَحْيَى بْنُ سَعِيدٍ ثُمَّ قَالَ سَعِيدُ بْنُ الْمُسَيَّبِ أَرَى أَنْ يُومِئَ بِرَأْسِهِ إِيمَاءً . قَالَ يَحْيَى قَالَ مَالِكٌ وَذَلِكَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 2, Hadith 54
Arabic reference : Book 2, Hadith 84

Yahya related to me from Malik from Abu'n Nadr, the mawla of Abdullah ibn Ubaydullah, from Sulayman ibn Yasar from alMiqdad ibn al- Aswad that Ali ibn Abi Talib told him to ask the Messenger of Allah, may Allah bless him and grant him peace, what a man should do, who, when close to his wife, had a flow of prostatic fluid. Ali explained that the daughter of the Messenger of Allah, may Allah bless him and grant him peace, was living with him then and he was too shy to ask for himself. Al-Miqdad said, "I asked the Messenger of Allah, may Allah bless him and grant him peace, about it, and he said, 'When you find that, wash your genitals with water and do wudu as for prayer.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنِ الْمِقْدَادِ بْنِ الأَسْوَدِ، أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ، أَمَرَهُ أَنْ يَسْأَلَ، لَهُ رَسُولَ اللَّهِ صلى الله عليه وسلم عَنِ الرَّجُلِ إِذَا دَنَا مِنْ أَهْلِهِ فَخَرَجَ مِنْهُ الْمَذْىُ مَاذَا عَلَيْهِ قَالَ عَلِيٌّ فَإِنَّ عِنْدِي ابْنَةَ رَسُولِ اللَّهِ صلى الله عليه وسلم وَأَنَا أَسْتَحِي أَنْ أَسْأَلَهُ . قَالَ الْمِقْدَادُ فَسَأَلْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم عَنْ ذَلِكَ فَقَالَ " إِذَا وَجَدَ ذَلِكَ أَحَدُكُمْ فَلْيَنْضَحْ فَرْجَهُ بِالْمَاءِ وَلْيَتَوَضَّأْ وُضُوءَهُ لِلصَّلاَةِ " .

USC-MSA web (English) reference : Book 2, Hadith 55
Arabic reference : Book 2, Hadith 85

Yahya related to me from Zayd ibn Aslam from his father that Umar ibn al-Khattab said, "I find it dropping from me like small beads. When you find that, wash your penis and do wudu as for prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ إِنِّي لأَجِدُهُ يَنْحَدِرُ مِنِّي مِثْلَ الْخُرَيْزَةِ فَإِذَا وَجَدَ ذَلِكَ أَحَدُكُمْ فَلْيَغْسِلْ ذَكَرَهُ وَلْيَتَوَضَّأْ وُضُوءَهُ لِلصَّلاَةِ يَعْنِي الْمَذْىَ .

USC-MSA web (English) reference : Book 2, Hadith 56
Arabic reference : Book 2, Hadith 86

Yahya related to me from Malik from Zayd ibn Aslam from his father that Jundub, the mawla of Abdullah ibn Ayyash, said, "I asked Abdullah ibn Umar about prostatic fluid and he said, 'When you find it, wash your genitals and do wudu as for prayer.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ جُنْدَبٍ، مَوْلَى عَبْدِ اللَّهِ بْنِ عَيَّاشٍ أَنَّهُ قَالَ سَأَلْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ عَنِ الْمَذْيِ، فَقَالَ إِذَا وَجَدْتَهُ فَاغْسِلْ فَرْجَكَ وَتَوَضَّأْ وُضُوءَكَ لِلصَّلاَةِ .

USC-MSA web (English) reference : Book 2, Hadith 57
Arabic reference : Book 2, Hadith 87

Yahya related to me from Malik from Yahya ibn Said that he was listening to Said ibn al-Musayyab and a man questioned him saying, "I discover a liquid when I am praying. Should I leave?"

Said ibn al-Musayyab said to him, "Even if it were to flow on my leg I would not leave until I had finished the prayer."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ سَمِعَهُ وَرَجُلٌ، يَسْأَلُهُ فَقَالَ إِنِّي لأَجِدُ الْبَلَلَ وَأَنَا أُصَلِّي، أَفَأَنْصَرِفُ فَقَالَ لَهُ سَعِيدٌ لَوْ سَالَ عَلَى فَخِذِي مَا انْصَرَفْتُ حَتَّى أَقْضِيَ صَلاَتِي .

USC-MSA web (English) reference : Book 2, Hadith 58
Arabic reference : Book 2, Hadith 88

Yahya related to me from Malik that as-Salt ibn Zuyayd said, "I asked Sulayman ibn Yasar about a liquid I discovered. He said, 'Wash what is under your garments with water and forget about it.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الصَّلْتِ بْنِ زُيَيْدٍ، أَنَّهُ قَالَ سَأَلْتُ سُلَيْمَانَ بْنَ يَسَارٍ عَنِ الْبَلَلِ، أَجِدُهُ فَقَالَ انْضَحْ مَا تَحْتَ ثَوْبِكَ بِالْمَاءِ وَالْهَ عَنْهُ .

USC-MSA web (English) reference : Book 2, Hadith 59
Arabic reference : Book 2, Hadith 89

Yahya related to me from Malik that Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazim heard Urwa ibn az-Zubayr saying, "I went to see Marwan ibn al-Hakam and we talked about what you had to do wudu for, and Marwan said, 'You have to do wudu if you touch your penis.' Urwa said, 'I didn't know that.' Marwan ibn al-Hakam said that Busra bint Safwan had told him that she heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'If any of you touches his penis he should do wudu.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، أَنَّهُ سَمِعَ عُرْوَةَ بْنَ الزُّبَيْرِ، يَقُولُ دَخَلْتُ عَلَى مَرْوَانَ بْنِ الْحَكَمِ فَتَذَاكَرْنَا مَا يَكُونُ مِنْهُ الْوُضُوءُ فَقَالَ مَرْوَانُ وَمِنْ مَسِّ الذَّكَرِ الْوُضُوءُ . فَقَالَ عُرْوَةُ مَا عَلِمْتُ هَذَا . فَقَالَ مَرْوَانُ بْنُ الْحَكَمِ أَخْبَرَتْنِي بُسْرَةُ بِنْتُ صَفْوَانَ أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " إِذَا مَسَّ أَحَدُكُمْ ذَكَرَهُ فَلْيَتَوَضَّأْ " .

USC-MSA web (English) reference : Book 2, Hadith 60
Arabic reference : Book 2, Hadith 90

Yahya related to me from Malik from Ismail ibn Muhammad ibn Sad ibn Abi Waqqas that Musab ibn Sad ibn Abi Waqqas said, "I was holding the Book for Sad ibn Abi Waqqas and I rubbed myself. Sad said, 'Did you touch your penis?' I replied, 'Yes,' and he said, 'Get up and do wudu.' So I got up and did wudu and then returned."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْمَاعِيلَ بْنِ مُحَمَّدِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ، عَنْ مُصْعَبِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ، أَنَّهُ قَالَ كُنْتُ أُمْسِكُ الْمُصْحَفَ عَلَى سَعْدِ بْنِ أَبِي وَقَّاصٍ فَاحْتَكَكْتُ فَقَالَ سَعْدٌ لَعَلَّكَ مَسِسْتَ ذَكَرَكَ قَالَ فَقُلْتُ نَعَمْ . فَقَالَ قُمْ فَتَوَضَّأْ فَقُمْتُ فَتَوَضَّأْتُ ثُمَّ رَجَعْتُ .

USC-MSA web (English) reference : Book 2, Hadith 61
Arabic reference : Book 2, Hadith 91

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "If you touch your penis you have to do wudu."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ إِذَا مَسَّ أَحَدُكُمْ ذَكَرَهُ فَقَدْ وَجَبَ عَلَيْهِ الْوُضُوءُ .

USC-MSA web (English) reference : Book 2, Hadith 62
Arabic reference : Book 2, Hadith 92

Yahya related to me from Malik from Hisham ibn Urwa that his father used to say, "If any of you touches his penis he has to do wudu."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ مَنْ مَسَّ ذَكَرَهُ فَقَدْ وَجَبَ عَلَيْهِ الْوُضُوءُ .

USC-MSA web (English) reference : Book 2, Hadith 63
Arabic reference : Book 2, Hadith 93

Yahya related from Malik from Ibn Shihab that Salim ibn Abdullah said, "I saw my father Abdullah ibn Umar, do ghusl and then do wudu. I said to him, 'Father, isn't ghusl enough for you?' He said, 'Of course, but sometimes I touch my penis, so I do wudu.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ قَالَ رَأَيْتُ أَبِي عَبْدَ اللَّهِ بْنَ عُمَرَ يَغْتَسِلُ ثُمَّ يَتَوَضَّأُ فَقُلْتُ لَهُ يَا أَبَتِ أَمَا يُجْزِيكَ الْغُسْلُ مِنَ الْوُضُوءِ قَالَ بَلَى وَلَكِنِّي أَحْيَانًا أَمَسُّ ذَكَرِي فَأَتَوَضَّأُ .

USC-MSA web (English) reference : Book 2, Hadith 64
Arabic reference : Book 2, Hadith 94

Yahya related to me from Malik from Nafi that Salim ibn 'Abdullah said, "I was with Abdullah ibn Umar on a journey and after the sun had risen I saw him do wudu and then pray. So I said to him, 'This isn't a prayer that you normally do. 'He said, 'After I had done wudu for the subh prayer, I touched my genitals. Then I forgot to do wudu. So I did wudu again and repeated my prayer.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ قَالَ كُنْتُ مَعَ عَبْدِ اللَّهِ بْنِ عُمَرَ فِي سَفَرٍ فَرَأَيْتُهُ بَعْدَ أَنْ طَلَعَتِ الشَّمْسُ تَوَضَّأَ ثُمَّ صَلَّى قَالَ فَقُلْتُ لَهُ إِنَّ هَذِهِ لَصَلاَةٌ مَا كُنْتَ تُصَلِّيهَا . قَالَ إِنِّي بَعْدَ أَنْ تَوَضَّأْتُ لِصَلاَةِ الصُّبْحِ مَسِسْتُ فَرْجِي ثُمَّ نَسِيتُ أَنْ أَتَوَضَّأَ فَتَوَضَّأْتُ وَعُدْتُ لِصَلاَتِي .

USC-MSA web (English) reference : Book 2, Hadith 65
Arabic reference : Book 2, Hadith 95

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that his father Abdullah ibn Umar used to say, "A man's kissing his wife and fondling her with his hands are part of intercourse. Someone who kisses his wife or fondles her with his hand must do wudu."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ قُبْلَةُ الرَّجُلِ امْرَأَتَهُ وَجَسُّهَا بِيَدِهِ مِنَ الْمُلاَمَسَةِ فَمَنْ قَبَّلَ امْرَأَتَهُ أَوْ جَسَّهَا بِيَدِهِ فَعَلَيْهِ الْوُضُوءُ .

USC-MSA web (English) reference : Book 2, Hadith 66
Arabic reference : Book 2, Hadith 96

Yahya related to me from Malik that he had heard that Abdullah ibn Masud used to say, "Wudu is necessary if a man kisses his wife."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، كَانَ يَقُولُ مِنْ قُبْلَةِ الرَّجُلِ امْرَأَتَهُ الْوُضُوءُ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 67
Arabic reference : Book 2, Hadith 97

Yahya related to me from Malik that Ibn Shihab used to say, "Wudu is necessary if a man kisses his wife." Nafi said that Malik said, "That is what I like most out of what I have heard."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ كَانَ يَقُولُ مِنْ قُبْلَةِ الرَّجُلِ امْرَأَتَهُ الْوُضُوءُ ‏.‏ قَالَ { ابْنُ } نَافِعٍ قَالَ مَالِكٌ وَذَلِكَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 68
Arabic reference : Book 2, Hadith 98

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, umm al-muminin, that whenever the Messenger of Allah, may Allah bless him and grant him peace, did ghusl for major ritual impurity, he would begin by washing his hands, and then do wudu as for prayer. He would then put his fingers in the water and rub the roots of his hair with them. Then he would pour as much water as two hands can hold on to his head three times, and over the entire surface of his skin.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا اغْتَسَلَ مِنَ الْجَنَابَةِ بَدَأَ بِغَسْلِ يَدَيْهِ ثُمَّ تَوَضَّأَ كَمَا يَتَوَضَّأُ لِلصَّلاَةِ ثُمَّ يُدْخِلُ أَصَابِعَهُ فِي الْمَاءِ فَيُخَلِّلُ بِهَا أُصُولَ شَعْرِهِ ثُمَّ يَصُبُّ عَلَى رَأْسِهِ ثَلاَثَ غَرَفَاتٍ بِيَدَيْهِ ثُمَّ يُفِيضُ الْمَاءَ عَلَى جِلْدِهِ كُلِّهِ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 69
Arabic reference : Book 2, Hadith 99

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr from A'isha, umm al-muminin, that the Messenger of Allah, may Allah bless him and grant him peace, used to do ghusl for major ritual impurity from a vessel which contained a faraq.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَغْتَسِلُ مِنْ إِنَاءٍ - هُوَ الْفَرَقُ - مِنَ الْجَنَابَةِ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 70
Arabic reference : Book 2, Hadith 100

Yahya related to me from Malik from Nafi that when Abdullah ibn Umar used to do ghusl for major ritual impurity he would begin by pouring water on his right hand and washing it. Then, in order, he would wash his genitals, rinse his mouth, snuff water in and out of his nose, wash his face and splash his eyes with water. Then he would wash his right arm and then his left, and after that he would wash his head. He would finish by having a complete wash and pouring water all over himself.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا اغْتَسَلَ مِنَ الْجَنَابَةِ بَدَأَ فَأَفْرَغَ عَلَى يَدِهِ الْيُمْنَى فَغَسَلَهَا ثُمَّ غَسَلَ فَرْجَهُ ثُمَّ مَضْمَضَ وَاسْتَنْثَرَ ثُمَّ غَسَلَ وَجْهَهُ وَنَضَحَ فِي عَيْنَيْهِ ثُمَّ غَسَلَ يَدَهُ الْيُمْنَى ثُمَّ الْيُسْرَى ثُمَّ غَسَلَ رَأْسَهُ ثُمَّ اغْتَسَلَ وَأَفَاضَ عَلَيْهِ الْمَاءَ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 71
Arabic reference : Book 2, Hadith 101

Yahya related to me from Malik that he had heard that A'isha was asked about how a woman should do ghusl for major ritual impurity. She said, "She should scoop water over her head with both hands three times and rub the roots of her hair with her hands."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَائِشَةَ، سُئِلَتْ عَنْ غُسْلِ الْمَرْأَةِ، مِنَ الْجَنَابَةِ فَقَالَتْ لِتَحْفِنْ عَلَى رَأْسِهَا ثَلاَثَ حَفَنَاتٍ مِنَ الْمَاءِ وَلْتَضْغَثْ رَأْسَهَا بِيَدَيْهَا .

USC-MSA web (English) reference : Book 2, Hadith 72
Arabic reference : Book 2, Hadith 102

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab that Umar ibn al-Khattab and Uthman ibn Affan and A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say, "When the circumcised part touches the circumcised part, ghusl is obligatory."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَعُثْمَانَ بْنَ عَفَّانَ، وَعَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانُوا يَقُولُونَ إِذَا مَسَّ الْخِتَانُ الْخِتَانَ فَقَدْ وَجَبَ الْغُسْلُ .

USC-MSA web (English) reference : Book 2, Hadith 73
Arabic reference : Book 2, Hadith 103

Yahya related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Abdullah that Abu Salamaibn Abdar-Rahman ibn Awf related that he had asked A'isha, the wife of the Prophet, may Allah bless him and grant him peace, what made ghusl obligatory. She said, "Do you know what you are like, Abu Salama? You are like a chick when it hears the cocks crowing and so crows with them. When the circumcised part passes the circumcised part, ghusl is obligatory."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّهُ قَالَ سَأَلْتُ عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم مَا يُوجِبُ الْغُسْلَ فَقَالَتْ هَلْ تَدْرِي مَا مَثَلُكَ يَا أَبَا سَلَمَةَ مَثَلُ الْفَرُّوجِ يَسْمَعُ الدِّيَكَةَ تَصْرُخُ فَيَصْرُخُ مَعَهَا إِذَا جَاوَزَ الْخِتَانُ الْخِتَانَ فَقَدْ وَجَبَ الْغُسْلُ .

USC-MSA web (English) reference : Book 2, Hadith 74
Arabic reference : Book 2, Hadith 104

Yahya related to me from Malik from Yahya ibn Said from Said ibn al-Musayyab that Abu Musa al-Ashari came to A'isha, the wife of the Prophet, may Allah bless him and grant him peace, and said to her, "The disagreement of the companions in a matter which I hate to bring before you has distressed me." She said, "What is that? You did not ask your mother about it, so ask me." He said, "A man penetrates his wife, but becomes listless and does not ejaculate. "She said, "When the circumcised part passes the circumcised part ghusl is obligatory." Abu Musa added, "I shall never ask anyone about this after you."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ أَبَا مُوسَى الأَشْعَرِيَّ، أَتَى عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم فَقَالَ لَهَا لَقَدْ شَقَّ عَلَىَّ اخْتِلاَفُ أَصْحَابِ النَّبِيِّ صلى الله عليه وسلم فِي أَمْرٍ إِنِّي لأُعْظِمُ أَنْ أَسْتَقْبِلَكِ بِهِ . فَقَالَتْ مَا هُوَ مَا

كُنْتَ سَائِلاً عَنْهُ أُمَّكَ فَسَلْنِي عَنْهُ . فَقَالَ الرَّجُلُ يُصِيبُ أَهْلَهُ ثُمَّ يُكْسِلُ وَلاَ يُنْزِلُ فَقَالَتْ إِذَا جَاوَزَ الْخِتَانُ الْخِتَانَ فَقَدْ وَجَبَ الْغُسْلُ . فَقَالَ أَبُو مُوسَى الأَشْعَرِيُّ لاَ أَسْأَلُ عَنْ هَذَا أَحَدًا بَعْدَكِ أَبَدًا .

USC-MSA web (English) reference : Book 2, Hadith 75
Arabic reference : Book 2, Hadith 105

Yahya related to me from Malik from Yahya ibn Said from Abdullah ibn Kab, the mawla of Uthman ibn Affan that Mahmud ibn Labid al-Ansari asked Zayd ibn Thabit about a man who penetrated his wife but became listless and did not ejaculate. Zayd ibn Thabit said, "He does ghusl." Mahmud said to him, "Ubayy ibn Kab used not to think that ghusl was necessary," but Zayd ibn Thabit said, "Ubayy ibn Kab drew away from that before he died."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ كَعْبٍ، مَوْلَى عُثْمَانَ بْنِ عَفَّانَ أَنَّ مَحْمُودَ بْنَ لَبِيدٍ الأَنْصَارِيَّ، سَأَلَ زَيْدَ بْنَ ثَابِتٍ عَنِ الرَّجُلِ، يُصِيبُ أَهْلَهُ ثُمَّ يُكْسِلُ وَلاَ يُنْزِلُ فَقَالَ زَيْدٌ يَغْتَسِلُ . فَقَالَ لَهُ مَحْمُودٌ إِنَّ أُبَىَّ بْنَ كَعْبٍ كَانَ لاَ يَرَى الْغُسْلَ . فَقَالَ لَهُ زَيْدُ بْنُ ثَابِتٍ إِنَّ أُبَىَّ بْنَ كَعْبٍ نَزَعَ عَنْ ذَلِكَ قَبْلَ أَنْ يَمُوتَ .

USC-MSA web (English) reference : Book 2, Hadith 76
Arabic reference : Book 2, Hadith 106

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "When the circumcised part passes the circumcised part, ghusl is obligatory."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ إِذَا جَاوَزَ الْخِتَانُ الْخِتَانَ فَقَدْ وَجَبَ الْغُسْلُ .

USC-MSA web (English) reference : Book 2, Hadith 77
Arabic reference : Book 2, Hadith 107

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar related that Umar ibn al-Khattab mentioned to the Messenger of Allah, may Allah bless him and grant him peace, that he would sometimes become junub in the night. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Do wudu and wash your penis, and then sleep."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ ذَكَرَ عُمَرُ بْنُ الْخَطَّابِ لِرَسُولِ اللَّهِ صلى الله عليه وسلم أَنَّهُ يُصِيبُهُ جَنَابَةٌ مِنَ اللَّيْلِ فَقَالَ لَهُ رَسُولُ اللَّهِ " تَوَضَّأْ وَاغْسِلْ ذَكَرَكَ ثُمَّ نَمْ " .

USC-MSA web (English) reference : Book 2, Hadith 78
Arabic reference : Book 2, Hadith 108

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say, "If you have intercourse with your wife and then wish to go to sleep before doing ghusl, do not sleep until you have done wudu as for prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا كَانَتْ تَقُولُ إِذَا أَصَابَ أَحَدُكُمُ الْمَرْأَةَ ثُمَّ أَرَادَ أَنْ يَنَامَ قَبْلَ أَنْ يَغْتَسِلَ فَلاَ يَنَمْ حَتَّى يَتَوَضَّأَ وُضُوءَهُ لِلصَّلاَةِ .

USC-MSA web (English) reference : Book 2, Hadith 79
Arabic reference : Book 2, Hadith 109

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, if he wished to sleep or eat while junub, would wash his face, and his arms to the elbows, and wipe his head. Then he would eat or sleep.

2.20 The Repetition of the Prayer by a Person in a State of Major Ritual Impurity, his Doing Ghusl, when He has Prayed without Remembering it, and his Washing his Garments.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا أَرَادَ أَنْ يَنَامَ، أَوْ يَطْعَمَ وَهُوَ جُنُبٌ غَسَلَ وَجْهَهُ وَيَدَيْهِ إِلَى الْمِرْفَقَيْنِ وَمَسَحَ بِرَأْسِهِ ثُمَّ طَعِمَ أَوْ نَامَ .

USC-MSA web (English) reference : Book 2, Hadith 80
Arabic reference : Book 2, Hadith 110

Yahya related to me from Malik from Ismail ibn Abi Hakim that Ata ibn Yasar told him that the Messenger of Allah, may Allah bless him and grant him peace, said the takbir in one of the prayers and then indicated to them with his hand to stay in place. He left and then returned with traces of water on his skin.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَكِيمٍ، أَنَّ عَطَاءَ بْنَ يَسَارٍ، أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَبَّرَ فِي صَلاَةٍ مِنَ الصَّلَوَاتِ ثُمَّ أَشَارَ إِلَيْهِمْ بِيَدِهِ أَنِ امْكُثُوا فَذَهَبَ ثُمَّ رَجَعَ وَعَلَى جِلْدِهِ أَثَرُ الْمَاءِ .

USC-MSA web (English) reference : Book 2, Hadith 81
Arabic reference : Book 2, Hadith 111

Yahya related to me from Malik from Hisham ibn Urwa that Zuyayd ibn as-Salt said, "I went with Umar ibn al-Khattab to Juruf and he looked down and noticed that he had had a wet dream and had prayed without doing ghusl. He exclaimed, 'By Allah I realise that I have had a wet dream and did not know it and have not done ghusl.' So he did ghusl and washed off whatever he saw on his garment, and sprinkled with water whatever he did not see.Then he gave the adhan or the iqama and prayed in the midmorning."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ زُيَيْدِ بْنِ الصَّلْتِ، أَنَّهُ قَالَ خَرَجْتُ مَعَ عُمَرَ بْنِ الْخَطَّابِ إِلَى الْجُرُفِ فَنَظَرَ فَإِذَا هُوَ قَدِ احْتَلَمَ وَصَلَّى وَلَمْ يَغْتَسِلْ فَقَالَ وَاللَّهِ مَا أَرَانِي إِلاَّ احْتَلَمْتُ وَمَا شَعَرْتُ وَصَلَّيْتُ وَمَا اغْتَسَلْتُ قَالَ فَاغْتَسَلَ وَغَسَلَ مَا رَأَى فِي ثَوْبِهِ وَنَضَحَ مَا لَمْ يَرَ وَأَذَّنَ أَوْ أَقَامَ ثُمَّ صَلَّى بَعْدَ ارْتِفَاعِ الضُّحَى مُتَمَكِّنًا .

USC-MSA web (English) reference : Book 2, Hadith 82
Arabic reference : Book 2, Hadith 112

Yahya related to me from Malik from Ismail ibn Abi Hakim from Sulayman ibn Yasar that Umar ibn al-Khattab went out early in the morning to his land in al-Juruf and found semen on his garment. He said, "I have been tried with wet dreams since I have been entrusted with governing the people." He did ghusl and washed his garment of what he saw of the semen, and then prayed after the sun had risen.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَكِيمٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، غَدَا إِلَى أَرْضِهِ بِالْجُرُفِ فَوَجَدَ فِي ثَوْبِهِ احْتِلاَمًا فَقَالَ لَقَدِ ابْتُلِيتُ بِالاِحْتِلاَمِ مُنْذُ وُلِّيتُ أَمْرَ النَّاسِ . فَاغْتَسَلَ وَغَسَلَ مَا رَأَى فِي ثَوْبِهِ مِنَ الاِحْتِلاَمِ ثُمَّ صَلَّى بَعْدَ أَنْ طَلَعَتِ الشَّمْسُ .

USC-MSA web (English) reference : Book 2, Hadith 83
Arabic reference : Book 2, Hadith 113

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Umar ibn al-Khattab led the people in the subh prayer and then went out to his land in Juruf and found semen on his clothes. He said, "Since we have been eating rich meat our veins have become fulsome." He did ghusl, washed the semen from his clothing, and did his prayer again.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، صَلَّى بِالنَّاسِ الصُّبْحَ ثُمَّ غَدَا إِلَى أَرْضِهِ بِالْجُرُفِ فَوَجَدَ فِي ثَوْبِهِ احْتِلاَمًا فَقَالَ إِنَّا لَمَّا أَصَبْنَا الْوَدَكَ لاَنَتِ الْعُرُوقُ . فَاغْتَسَلَ وَغَسَلَ الاِحْتِلاَمَ مِنْ ثَوْبِهِ وَعَادَ لِصَلاَتِهِ .

USC-MSA web (English) reference : Book 2, Hadith 84
Arabic reference : Book 2, Hadith 114

Yahya related to me from Malik from Hisham ibn Urwa from his father fromYahyaibn Abd ar-Rahman ibn Ha ib that he had set off for Mumra with Umar ibn al-Khattab in a party of riders, among whom was Amr ibn al-As. Umar ibn al-Khattab dismounted for a rest late at night on a certain road near a certain oasis. Umar had a wet dream when it was almost dawn and there was no water among the riding party. He rode until he came to some water and then he began to wash off what he saw of the semen until it had gone. Amr ibn al-As said to him, "It is morning and there are clothes with us, so allow your garment to be washed. "Umar ibn al-Khattab said to him, "I am surprised at you, Amr ibn al-As! Even if you could find clothes, would everybody be able to find them? By Allah, if I were to do it, it would become a sunna. No, I wash what I see, and I sprinkle with water what I do not see."

Malik spoke about a man who found traces of a wet dream on his clothes and did not know when it had occurred and did not remember anything he had seen in his sleep. He said, "Let the intention of his ghusl be from the time when he last slept, and if he has prayed since that last sleep he should repeat it. This is because often a man has a wet dream and sees nothing, and often he sees something but does not have an emission. But, if he finds liquid on his garment he must do ghusl. This is because Umar repeated what he had prayed after the time he had last slept and not what was before it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ يَحْيَى بْنِ عَبْدِ الرَّحْمَنِ بْنِ حَاطِبٍ، أَنَّهُ اعْتَمَرَ مَعَ عُمَرَ بْنِ الْخَطَّابِ فِي رَكْبٍ فِيهِمْ عَمْرُو بْنُ الْعَاصِ وَأَنَّ عُمَرَ بْنَ الْخَطَّابِ عَرَّسَ بِبَعْضِ الطَّرِيقِ قَرِيبًا مِنْ بَعْضِ الْمِيَاهِ فَاحْتَلَمَ عُمَرُ وَقَدْ كَادَ أَنْ يُصْبِحَ فَلَمْ يَجِدْ مَعَ الرَّكْبِ مَاءً فَرَكِبَ حَتَّى جَاءَ الْمَاءَ فَجَعَلَ يَغْسِلُ مَا رَأَى مِنْ ذَلِكَ الاِحْتِلاَمِ حَتَّى أَسْفَرَ فَقَالَ لَهُ عَمْرُو بْنُ الْعَاصِ أَصْبَحْتَ وَمَعَنَا ثِيَابٌ فَدَعْ ثَوْبَكَ يُغْسَلُ . فَقَالَ عُمَرُ بْنُ الْخَطَّابِ وَاعَجَبًا لَكَ يَا عَمْرُو بْنَ الْعَاصِ لَئِنْ كُنْتَ تَجِدُ ثِيَابًا أَفَكُلُّ النَّاسِ يَجِدُ ثِيَابًا وَاللَّهِ لَوْ فَعَلْتُهَا لَكَانَتْ سُنَّةً بَلْ أَغْسِلُ مَا رَأَيْتُ وَأَنْضِحُ مَا لَمْ أَرَ . قَالَ مَالِكٌ فِي رَجُلٍ وَجَدَ فِي ثَوْبِهِ أَثَرَ احْتِلاَمٍ وَلاَ يَدْرِي مَتَى كَانَ وَلاَ يَذْكُرُ شَيْئًا رَأَى فِي مَنَامِهِ قَالَ لِيَغْتَسِلْ مِنْ أَحْدَثِ نَوْمٍ نَامَهُ فَإِنْ كَانَ صَلَّى بَعْدَ ذَلِكَ النَّوْمِ فَلْيُعِدْ مَا كَانَ صَلَّى بَعْدَ ذَلِكَ النَّوْمِ مِنْ أَجْلِ أَنَّ الرَّجُلَ رُبَّمَا احْتَلَمَ وَلاَ يَرَى شَيْئًا وَيَرَى وَلاَ يَحْتَلِمُ فَإِذَا وَجَدَ فِي ثَوْبِهِ مَاءً فَعَلَيْهِ الْغُسْلُ وَذَلِكَ أَنَّ عُمَرَ أَعَادَ مَا كَانَ صَلَّى لآخِرِ نَوْمٍ نَامَهُ وَلَمْ يُعِدْ مَا كَانَ قَبْلَهُ .

USC-MSA web (English) reference : Book 2, Hadith 85
Arabic reference : Book 2, Hadith 115

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr that Umm Sulayman said to the Messenger of Allah, may Allah bless him and grant him peace, "Should a woman do ghusl when she experiences the same as a man in her sleep?" The Messenger of Al lah said to her, "Yes, she should do ghusl. "A'isha said to her, "Shame on you! Does a woman see that?" (i.e. a liquid.) The Messenger of Allah, may Allah bless him and grant him peace, said to her, "May your right hand be full of dust. From where does family resemblance come?"

حَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، أَنَّ أُمَّ سُلَيْمٍ، قَالَتْ لِرَسُولِ اللَّهِ صلى الله عليه وسلم الْمَرْأَةُ تَرَى فِي الْمَنَامِ مِثْلَ مَا يَرَى الرَّجُلُ أَتَغْتَسِلُ فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ فَلْتَغْتَسِلْ " . فَقَالَتْ لَهَا عَائِشَةُ أُفٍّ لَكِ وَهَلْ تَرَى ذَلِكَ الْمَرْأَةُ فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " تَرِبَتْ يَمِينُكِ وَمِنْ أَيْنَ يَكُونُ الشَّبَهُ " .

USC-MSA web (English) reference : Book 2, Hadith 86
Arabic reference : Book 2, Hadith 116

Yahya related to me from Malik from Hisham ibn Urwa from his father from Zaynab bint Abi Salama that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, said, "Umm Salama, the wife of Abu Talha al-Ansari, came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah! Allah is not ashamed of the truth-does a woman have to do ghusl if she has had an erotic dream?' He said, 'Yes, if she sees any liquid.' "

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ جَاءَتْ أُمُّ سُلَيْمٍ امْرَأَةُ أَبِي طَلْحَةَ الأَنْصَارِيِّ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ لاَ يَسْتَحْيِي مِنَ الْحَقِّ هَلْ عَلَى الْمَرْأَةِ مِنْ غُسْلٍ إِذَا هِيَ احْتَلَمَتْ فَقَالَ " نَعَمْ إِذَا رَأَتِ الْمَاءَ " .

USC-MSA web (English) reference : Book 2, Hadith 87
Arabic reference : Book 2, Hadith 117

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "There is no harm in doing ghusl with water that has been used by one's wife as long as she is not menstruating or in a state of major ritual impurity (junub)."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ لاَ بَأْسَ أَنْ يُغْتَسَلَ بِفَضْلِ الْمَرْأَةِ مَا لَمْ تَكُنْ حَائِضًا أَوْ جُنُبًا .

USC-MSA web (English) reference : Book 2, Hadith 88
Arabic reference : Book 2, Hadith 118

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to sweat in a garment while he was junub and then pray with it on.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَعْرَقُ فِي الثَّوْبِ وَهُوَ جُنُبٌ ثُمَّ يُصَلِّي فِيهِ .

USC-MSA web (English) reference : Book 2, Hadith 89
Arabic reference : Book 2, Hadith 119

Yahya related to me from Malik from Nafi that the slave girls of Abdullah ibn Umar used to wash his feet and bring him a mat of palm leaves while they were menstruating.

Malik was asked whether a man who had women and slavegirlscould have intercourse with all of them before he did ghusl. He said, "There is no harm in a man having intercourse with two of his slave girls before he does ghusl. It is disapproved of, however, to go to a freewoman on another's day. There is no harm in making love first to one slave girl and then to another when one is junub."

Malik was asked about a man who was junub and water was put down for him to do ghusl with.Then he forgot and put his finger into it to find out whether it was hot or cold. Malik said, "If no filth has soiled his fingers, I do not consider that that makes the water impure."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَغْسِلُ جَوَارِيهِ رِجْلَيْهِ وَيُعْطِينَهُ الْخُمْرَةَ وَهُنَّ حُيَّضٌ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ لَهُ نِسْوَةٌ وَجَوَارِي هَلْ يَطَؤُهُنَّ جَمِيعًا قَبْلَ أَنْ يَغْتَسِلَ فَقَالَ لاَ بَأْسَ بِأَنْ يُصِيبَ الرَّجُلُ جَارِيَتَيْهِ قَبْلَ أَنْ يَغْتَسِلَ فَأَمَّا النِّسَاءُ الْحَرَائِرُ فَيُكْرَهُ أَنْ يُصِيبَ الرَّجُلُ الْمَرْأَةَ الْحُرَّةَ فِي يَوْمِ الأُخْرَى فَأَمَّا أَنَّ يُصِيبَ الْجَارِيَةَ ثُمَّ يُصِيبَ الأُخْرَى وَهُوَ جُنُبٌ فَلاَ بَأْسَ بِذَلِكَ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ جُنُبٍ وُضِعَ لَهُ مَاءٌ يَغْتَسِلُ بِهِ فَسَهَا فَأَدْخَلَ أَصْبُعَهُ فِيهِ لِيَعْرِفَ حَرَّ الْمَاءِ مِنْ بَرْدِهِ . قَالَ مَالِكٌ إِنْ لَمْ يَكُنْ أَصَابَ أَصْبُعَهُ أَذًى فَلاَ أَرَى ذَلِكَ يُنَجِّسُ عَلَيْهِ الْمَاءَ .

USC-MSA web (English) reference : Book 2, Hadith 90
Arabic reference : Book 2, Hadith 120

Yahya related to me from Malik from Abd arRahman ibn al-Qasim from his father that A'isha umm al-muminin said, "We went out on a journey with the Messenger of Allah, may Allah bless him and grant him peace, and, when we came to Bayda' or Dhat al-Jaysh, a necklace of mine broke. The Messenger of Allah, may Allah bless him and grant him peace, stopped to look for it and the people stopped with him. There was no water nearby and the people were not carrying any with them, so they came to Abu Bakr as-Siddiq and said, 'Don't you see what A'isha has done? She has made the Messenger of Allah, may Allah bless him and grant him peace, and the people stop when there is no water nearby and they are not carrying any with them.' "

A'isha continued, "Abu Bakr came and the Messenger of Allah, may Allah bless him and grant him peace, had fallen asleep with his head on my thigh . Abu Bakr said, 'You have made the Messenger of Allah, may Allah bless him and grant him peace, and the people stop when there is no water nearby and they are not carrying any with them ' "
She continued, "Abu Bakr remonstrated with me and said whatever Allah willed him to say, and began to poke me in the waist. The only thing that stopped me from moving was that the Messenger of Allah, may Allah bless him and grant him peace, had his head on my thigh. The Messenger of Allah, may Allah bless him and grant him peace, slept until morning found him with no water. Allah, the Blessed and Exalted, sent down the ayat of tayammum and so they did tayammum. Usayd ibn Hudayr said, 'This is not the first baraka from you, O family of Abu Bakr.'"
A'isha added, "We roused the camel I had been on and found the necklace under it."
Malik was asked whether a man who did tayammum for one prayer should do tayammum when the time of the next prayer came or whether the first tayammum was enough. He said, "No, he does tayammum for every prayer, because he has to look for water for every prayer. If he looks for it and does not find it then he does tayammum."
Malik was asked whether a man who did tayammum could lead others in prayer if they were in wudu. He said, "I prefer that someone else should lead them. However, I see no harm in it if he does lead them in prayer."
Yahya said that Malik said that a man who did tayammum because he could not find any water, and then stood and said the takbir and entered into the prayer, and then someone came with some water, did not stop his prayer but completed it with tayammum and did wudu for future prayers.
Yahya said that Malik said, "Whoever rises for prayer and does not find water and so does what Allah has ordered him to do of tayammum has obeyed Allah. Someone who does find water is neither purer than him nor more perfect in prayer, because both have been commanded and each does as Allah has commanded. What Allah has commanded as far as wudu is concerned is for the one who finds water, and tayammum is for the one who does not find water before he enters into the prayer."

Malik said that a man who was in a state of major ritual impurity could do tayammum and read his portion of Qur'an and do voluntary prayers as long as he did not find any water. This applied only to circumstances in which it was allowable to pray with tayammum.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا قَالَتْ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي بَعْضِ أَسْفَارِهِ حَتَّى إِذَا كُنَّا بِالْبَيْدَاءِ - أَوْ بِذَاتِ الْجَيْشِ - انْقَطَعَ عِقْدٌ لِي فَأَقَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَلَى الْتِمَاسِهِ وَأَقَامَ النَّاسُ مَعَهُ وَلَيْسُوا عَلَى مَاءٍ وَلَيْسَ مَعَهُمْ مَاءٌ فَأَتَى النَّاسُ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ فَقَالُوا أَلاَ تَرَى مَا صَنَعَتْ عَائِشَةُ أَقَامَتْ بِرَسُولِ اللَّهِ صلى الله عليه وسلم وَبِالنَّاسِ وَلَيْسُوا عَلَى مَاءٍ وَلَيْسَ مَعَهُمْ مَاءٌ . قَالَتْ عَائِشَةُ فَجَاءَ أَبُو بَكْرٍ وَرَسُولُ اللَّهِ صلى الله عليه وسلم وَاضِعٌ رَأْسَهُ عَلَى فَخِذِي قَدْ نَامَ فَقَالَ حَبَسْتِ رَسُولَ اللَّهِ صلى الله عليه وسلم وَالنَّاسَ وَلَيْسُوا عَلَى مَاءٍ وَلَيْسَ مَعَهُمْ مَاءٌ قَالَتْ عَائِشَةُ فَعَاتَبَنِي أَبُو بَكْرٍ فَقَالَ مَا شَاءَ اللَّهُ أَنْ يَقُولَ وَجَعَلَ يَطْعُنُ بِيَدِهِ فِي خَاصِرَتِي فَلاَ يَمْنَعُنِي مِنَ التَّحَرُّكِ إِلاَّ مَكَانُ رَأْسِ رَسُولِ اللَّهِ صلى الله عليه وسلم عَلَى فَخِذِي فَنَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم حَتَّى أَصْبَحَ عَلَى غَيْرِ مَاءٍ فَأَنْزَلَ اللَّهُ تَبَارَكَ وَتَعَالَى آيَةَ التَّيَمُّمِ فَتَيَمَّمُوا . فَقَالَ أُسَيْدُ بْنُ حُضَيْرٍ مَا هِيَ بِأَوَّلِ بَرَكَتِكُمْ يَا آلَ أَبِي بَكْرٍ . قَالَتْ فَبَعَثْنَا الْبَعِيرَ الَّذِي كُنْتُ عَلَيْهِ فَوَجَدْنَا الْعِقْدَ تَحْتَهُ .

USC-MSA web (English) reference : Book 2, Hadith 91
Arabic reference : Book 2, Hadith 121

Yahya related to me from Malik from Nafi that Abdullah ibn Umar and he were approaching Juruf. When they got to Mirbad, Abdullah got down and did tayammum with some good earth. He wiped his face, and his arms to the elbows, and then prayed.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّهُ أَقْبَلَ هُوَ وَعَبْدُ اللَّهِ بْنُ عُمَرَ مِنَ الْجُرُفِ حَتَّى إِذَا كَانَا بِالْمِرْبَدِ نَزَلَ عَبْدُ اللَّهِ فَتَيَمَّمَ صَعِيدًا طَيِّبًا فَمَسَحَ وَجْهَهُ وَيَدَيْهِ إِلَى الْمِرْفَقَيْنِ ثُمَّ صَلَّى .

USC-MSA web (English) reference : Book 2, Hadith 92
Arabic reference : Book 2, Hadith 122

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to do tayammum up to his elbows.

Malik was asked about how tayammum was done and what parts were covered and he said, "Strike the ground once for the face and once for the arms and wipe them to the elbows."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَتَيَمَّمُ إِلَى الْمِرْفَقَيْنِ . وَسُئِلَ مَالِكٌ كَيْفَ التَّيَمُّمُ وَأَيْنَ يَبْلُغُ بِهِ فَقَالَ يَضْرِبُ ضَرْبَةً لِلْوَجْهِ وَضَرْبَةً لِلْيَدَيْنِ وَيَمْسَحُهُمَا إِلَى الْمِرْفَقَيْنِ .

USC-MSA web (English) reference : Book 2, Hadith 93
Arabic reference : Book 2, Hadith 123

Yahya related to me from Malik from Abd arRahman ibn Harmala that a man asked Said ibn al-Musayyab about what a man who was junub and had done tayammum should do when he came across water. Said said, "When he comes across water he must do ghusl for what comes after."

Malik said about some one who had a wet dream while he was on a journey and there was only enough water for wudu and he was not thirsty and so he did not need to use it for that, "Let him wash his genitals, and whatever the semen has fallen on, with the water and then he does tayammum with good earth as Allah has ordered him."
Malik was asked whether a man who was junub and wished to do tayammum but could only find salty earth could do tayammum with that earth, and whether it was disapproved of to pray on salty earth. He said, "There is no harm in praying on salty earth or in using it to do tayammum, because Allah the Blessed and Exalted has said, '...and do tayammum with good earth.' One is purified by tayammum with everything that is earth, whether it is salty or otherwise."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ، أَنَّ رَجُلاً، سَأَلَ سَعِيدَ بْنَ الْمُسَيَّبِ عَنِ الرَّجُلِ الْجُنُبِ، يَتَيَمَّمُ ثُمَّ يُدْرِكُ الْمَاءَ فَقَالَ سَعِيدٌ إِذَا أَدْرَكَ الْمَاءَ فَعَلَيْهِ الْغُسْلُ لِمَا يُسْتَقْبَلُ . قَالَ مَالِكٌ فِيمَنِ احْتَلَمَ وَهُوَ فِي سَفَرٍ وَلاَ يَقْدِرُ مِنَ الْمَاءِ إِلاَّ عَلَى قَدْرِ الْوُضُوءِ وَهُوَ لاَ يَعْطَشُ حَتَّى يَأْتِيَ الْمَاءَ قَالَ يَغْسِلُ بِذَلِكَ فَرْجَهُ وَمَا أَصَابَهُ مِنْ ذَلِكَ الأَذَى ثُمَّ يَتَيَمَّمُ صَعِيدًا طَيِّبًا كَمَا أَمَرَهُ اللَّهُ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ جُنُبٍ أَرَادَ أَنْ يَتَيَمَّمَ فَلَمْ يَجِدْ تُرَابًا إِلاَّ تُرَابَ سَبَخَةٍ هَلْ يَتَيَمَّمُ بِالسِّبَاخِ وَهَلْ تُكْرَهُ الصَّلاَةُ فِي السِّبَاخِ قَالَ مَالِكٌ لاَ بَأْسَ بِالصَّلاَةِ فِي السِّبَاخِ وَالتَّيَمُّمِ مِنْهَا لأَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ {فَتَيَمَّمُوا صَعِيدًا طَيِّبًا} فَكُلُّ مَا كَانَ صَعِيدًا فَهُوَ يُتَيَمَّمُ بِهِ سِبَاخًا كَانَ أَوْ غَيْرَهُ .

USC-MSA web (English) reference : Book 2, Hadith 94
Arabic reference : Book 2, Hadith 124

Yahya related to me from Malik from Zayd ibn Aslam that a man questioned the Messenger of Allah, may Allah bless him and grant him peace, saying, "What is permitted me from my wife when she is menstruating?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Let her wrap her waist-wrapper round herself tightly, and then what is above that is your concern."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ رَجُلاً، سَأَلَ رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ مَا يَحِلُّ لِي مِنِ امْرَأَتِي وَهِيَ حَائِضٌ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لِتَشُدَّ عَلَيْهَا إِزَارَهَا ثُمَّ شَأْنَكَ بِأَعْلاَهَا " .

USC-MSA web (English) reference : Book 2, Hadith 95
Arabic reference : Book 2, Hadith 125

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that on one occasion A'isha, the wife of the Prophet, may Allah bless him and grant him peace, was sleeping with the Messenger of Allah, may Allah bless him and grant him peace, in one garment, when suddenly she jumped up sharply. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "What's the matter with you? Are you losing blood?", meaning menstruating. She said, "Yes." He said, "Wrap your waist-wrapper tightly about you, and return to your sleeping-place."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ مُضْطَجِعَةً مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي ثَوْبٍ وَاحِدٍ وَأَنَّهَا قَدْ وَثَبَتْ وَثْبَةً شَدِيدَةً فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا لَكِ لَعَلَّكِ نَفِسْتِ " . يَعْنِي الْحَيْضَةَ . فَقَالَتْ نَعَمْ . قَالَ " شُدِّي عَلَى نَفْسِكِ إِزَارَكِ ثُمَّ عُودِي إِلَى مَضْجَعِكِ " .

USC-MSA web (English) reference : Book 2, Hadith 96
Arabic reference : Book 2, Hadith 126

Yahya related to me from Malik from Nafi that Ubaydullah ibn Abdullah ibn Umar sent a question to A'isha asking her, "May a man fondle his wife when she is menstruating?" She replied, "Let her wrap her waist-wrapper around her lower part and then he may fondle her if he wishes."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَرْسَلَ إِلَى عَائِشَةَ يَسْأَلُهَا هَلْ يُبَاشِرُ الرَّجُلُ امْرَأَتَهُ وَهِيَ حَائِضٌ فَقَالَتْ لِتَشُدَّ إِزَارَهَا عَلَى أَسْفَلِهَا ثُمَّ يُبَاشِرُهَا إِنْ شَاءَ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 97
Arabic reference : Book 2, Hadith 127

Yahya related to me from Malik that he had heard that Salim ibn Abdullah and Sulayman ibn Yasar were asked whether the husband of a menstruating woman could have sexual intercourse with her when she saw that she was pure but before she had had a ghusl. They said, "No, not until she has had a ghusl."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَالِمَ بْنَ عَبْدِ اللَّهِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، سُئِلاَ عَنِ الْحَائِضِ، هَلْ يُصِيبُهَا زَوْجُهَا إِذَا رَأَتِ الطُّهْرَ قَبْلَ أَنْ تَغْتَسِلَ فَقَالاَ لاَ حَتَّى تَغْتَسِلَ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 98
Arabic reference : Book 2, Hadith 128

Yahya related to me from Malik from AIqama ibn Abi AIqama that his mother, the mawla of A'isha, umm al-muminin, said, "Women used to send little boxes to A'isha, umm al-muminin, with a piece of cotton cloth in each one on which was yellowness from menstrual blood, asking her about the prayer. She said to them, 'Do not be hasty until you see a white discharge." By that she meant purity from menses.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَلْقَمَةَ بْنِ أَبِي عَلْقَمَةَ، عَنْ أُمِّهِ، مَوْلاَةِ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهَا قَالَتْ كَانَ النِّسَاءُ يَبْعَثْنَ إِلَى عَائِشَةَ أُمِّ الْمُؤْمِنِينَ بِالدِّرَجَةِ فِيهَا الْكُرْسُفُ فِيهِ الصُّفْرَةُ مِنْ دَمِ الْحَيْضَةِ يَسْأَلْنَهَا عَنِ الصَّلاَةِ فَتَقُولُ لَهُنَّ لاَ تَعْجَلْنَ حَتَّى تَرَيْنَ الْقَصَّةَ الْبَيْضَاءَ ‏.‏ تُرِيدُ بِذَلِكَ الطُّهْرَ مِنَ الْحَيْضَةِ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 99
Arabic reference : Book 2, Hadith 129

Yahya related to me from Malik from Abdullah ibn Abi Bakr from his paternal aunt from the daughter of Zayd ibn Thabit that she had heard that women used to ask for lamps in the middle of the night to check their purity. She would criticise them for this saying, "Women never used to do this," i.e. in the time of the companions.

Malik was asked whether a woman whose period had finished could do tayammum to purify herself if she could not find waterand he said, "Yes, because she is like some one in a state of major ritual impurity, who, if he cannot find water, does tayammum."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمَّتِهِ، عَنِ ابْنَةِ زَيْدِ بْنِ ثَابِتٍ، أَنَّهُ بَلَغَهَا أَنَّ نِسَاءً، كُنَّ يَدْعُونَ بِالْمَصَابِيحِ مِنْ جَوْفِ اللَّيْلِ يَنْظُرْنَ إِلَى الطُّهْرِ فَكَانَتْ تَعِيبُ ذَلِكَ عَلَيْهِنَّ وَتَقُولُ مَا كَانَ النِّسَاءُ يَصْنَعْنَ هَذَا ‏.‏ وَسُئِلَ مَالِكٌ عَنِ الْحَائِضِ تَطْهُرُ فَلاَ تَجِدُ مَاءً هَلْ تَتَيَمَّمُ قَالَ نَعَمْ لِتَتَيَمَّمْ فَإِنَّ مِثْلَهَا مِثْلُ الْجُنُبِ إِذَا لَمْ يَجِدْ مَاءً تَيَمَّمَ ‏.‏

USC-MSA web (English) reference : Book 2, Hadith 100
Arabic reference : Book 2, Hadith 130

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said that a pregnant woman who noticed bleeding left off from prayer.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم قَالَتْ فِي الْمَرْأَةِ الْحَامِلِ تَرَى الدَّمَ أَنَّهَا تَدَعُ الصَّلاَةَ .

USC-MSA web (English) reference : Book 2, Hadith 102
Arabic reference : Book 2, Hadith 131

Yahya related to me from Malik that he asked Ibn Shihab about a pregnant woman who noticed bleeding. Ibn Shihab replied, "She refrains from prayer."

Yahya said that Malik said, "That is what is done in our community."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ الْمَرْأَةِ الْحَامِلِ، تَرَى الدَّمَ قَالَ تَكُفُّ عَنِ الصَّلاَةِ . قَالَ يَحْيَى قَالَ مَالِكٌ وَذَلِكَ الأَمْرُ عِنْدَنَا .

USC-MSA web (English) reference : Book 2, Hadith 103
Arabic reference : Book 2, Hadith 132

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "I used to comb the head of the Messenger of Allah, may Allah bless him and grant him peace, while I was menstruating."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ كُنْتُ أُرَجِّلُ رَأْسَ رَسُولِ اللَّهِ صلى الله عليه وسلم وَأَنَا حَائِضٌ .

USC-MSA web (English) reference : Book 2, Hadith 104
Arabic reference : Book 2, Hadith 133

Yahya related to me from Malik from Hisham ibn Urwa from his father from Fatima bint al-Mundhir ibn az-Zubayr that Asma bint Abu Bakr as-Siddiq said, "A woman questioned the Messenger of Allah, may Allah bless him and grant him peace, saying, 'If menstrual blood gets onto our clothes how do you think we should deal with it?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'If menstrual blood gets onto your clothes you should wash them, and sprinkle them with water before you pray in them.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ بْنِ الزُّبَيْرِ، عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ الصِّدِّيقِ، أَنَّهَا قَالَتْ سَأَلَتِ امْرَأَةٌ رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَتْ أَرَأَيْتَ إِحْدَانَا إِذَا أَصَابَ ثَوْبَهَا الدَّمُ مِنَ الْحَيْضَةِ كَيْفَ تَصْنَعُ فِيهِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِذَا أَصَابَ ثَوْبَ إِحْدَاكُنَّ الدَّمُ مِنَ الْحَيْضَةِ فَلْتَقْرُصْهُ ثُمَّ لِتَنْضَحْهُ بِالْمَاءِ ثُمَّ لِتُصَلِّي فِيهِ " .

USC-MSA web (English) reference : Book 2, Hadith 105
Arabic reference : Book 2, Hadith 134

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Fatima bint Abu Hubaysh said, 'Messenger of Allah, I never become pure - am I permitted to pray?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'That is a vein, not menstruation. So when your period approaches, leave off from the prayer, and when its grip leaves, wash the blood from yourself and pray.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ قَالَتْ فَاطِمَةُ بِنْتُ أَبِي حُبَيْشٍ يَا رَسُولَ اللَّهِ إِنِّي لاَ أَطْهُرُ أَفَأَدَعُ الصَّلاَةَ فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " **إِنَّمَا ذَلِكِ عِرْقٌ وَلَيْسَتْ بِالْحَيْضَةِ فَإِذَا أَقْبَلَتِ الْحَيْضَةُ فَاتْرُكِي الصَّلاَةَ فَإِذَا ذَهَبَ قَدْرُهَا فَاغْسِلِي الدَّمَ عَنْكِ وَصَلِّي** " .

USC-MSA web (English) reference : Book 2, Hadith 106
Arabic reference : Book 2, Hadith 135

Yahya related to me from Malik from Nafi from Sulayman ibn Yasarfrom Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, that a certain woman in the time of the Messenger of Allah, may Allah bless him and grant him peace, used to bleed profusely, so Umm Salama consulted the Messenger of Allah, may Allah bless him and grant him peace, for her, and he said, "She should calculate the number of nights and days a month that she used to menstruate before it started happening, and she should leave off from prayerfor that much of the month. When she has completed that she should do ghusl, bind her private parts with a cloth, and then pray."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ امْرَأَةً كَانَتْ تُهَرَاقُ الدِّمَاءَ فِي عَهْدِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَاسْتَفْتَتْ لَهَا أُمُّ سَلَمَةَ رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ " **لِتَنْظُرْ إِلَى عَدَدِ اللَّيَالِي وَالأَيَّامِ الَّتِي كَانَتْ تَحِيضُهُنَّ مِنَ الشَّهْرِ قَبْلَ أَنْ يُصِيبَهَا الَّذِي أَصَابَهَا فَلْتَتْرُكِ الصَّلاَةَ قَدْرَ ذَلِكَ مِنَ الشَّهْرِ فَإِذَا خَلَّفَتْ ذَلِكَ فَلْتَغْتَسِلْ ثُمَّ لِتَسْتَثْفِرْ بِثَوْبٍ ثُمَّ لِتُصَلِّي** " .

USC-MSA web (English) reference : Book 2, Hadith 107
Arabic reference : Book 2, Hadith 136

Yahya related to me from Malik from Hisham ibn Urwa from his father from Zaynab bint Abu Salama that she saw Zaynab bint Jahsh, the wife of Abd ar-Rahman ibn Awf, and she used to bleed as if menstruating. She would do ghusl and pray.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، أَنَّهَا رَأَتْ زَيْنَبَ بِنْتَ جَحْشٍ الَّتِي كَانَتْ تَحْتَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَكَانَتْ تُسْتَحَاضُ فَكَانَتْ تَغْتَسِلُ وَتُصَلِّي .

USC-MSA web (English) reference : Book 2, Hadith 108
Arabic reference : Book 2, Hadith 137

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman that al-Qaqa ibn Hakim and Zayd ibn Aslam sent him to Said ibn al-Musayyab to ask how a woman who was bleeding as if menstruating should do ghusl. Said said, "She does a ghusl to cover from the end of one period to the end of the next, and does wudu for every prayer, and if bleeding overtakes her she should bind her private parts."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ أَنَّ الْقَعْقَاعَ بْنَ حَكِيمٍ، وَزَيْدَ بْنَ أَسْلَمَ، أَرْسَلاَهُ إِلَى سَعِيدِ بْنِ الْمُسَيَّبِ يَسْأَلُهُ كَيْفَ تَغْتَسِلُ الْمُسْتَحَاضَةُ فَقَالَ تَغْتَسِلُ مِنْ طُهْرٍ إِلَى طُهْرٍ وَتَتَوَضَّأُ لِكُلِّ صَلاَةٍ فَإِنْ غَلَبَهَا الدَّمُ اسْتَثْفَرَتْ .

USC-MSA web (English) reference : Book 2, Hadith 109
Arabic reference : Book 2, Hadith 138

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "A woman who bleeds as if menstruating only has to do one ghusl, and then after that she does wudu for each prayer."

Yahya said that Malik said, "The position with us is that when a woman who bleeds as if menstruating starts to do the prayer again, her husband can have sexual intercourse with her. Similarly, if a woman who has given birth sees

blood after she has reached the fullest extent that bleeding normally restrains women, her husband can have sexual intercourse with her and she is in the same position as a woman who bleeds as if menstruating."
Yahya said that Malik said, "The position with us concerning a woman who bleeds as if menstruating is founded on the hadith of Hisham ibn Urwa from his father, and it is what I prefer the most of what I have heard about the matter."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ لَيْسَ عَلَى الْمُسْتَحَاضَةِ إِلاَّ أَنْ تَغْتَسِلَ غُسْلاً وَاحِدًا ثُمَّ تَتَوَضَّأُ بَعْدَ ذَلِكَ لِكُلِّ صَلاَةٍ . قَالَ يَحْيَى قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّ الْمُسْتَحَاضَةَ إِذَا صَلَّتْ أَنَّ لِزَوْجِهَا أَنْ يُصِيبَهَا وَكَذَلِكَ النُّفَسَاءُ إِذَا بَلَغَتْ أَقْصَى مَا يُمْسِكُ النِّسَاءَ الدَّمُ فَإِنْ رَأَتِ الدَّمَ بَعْدَ ذَلِكَ فَإِنَّهُ يُصِيبُهَا زَوْجُهَا وَإِنَّمَا هِيَ بِمَنْزِلَةِ الْمُسْتَحَاضَةِ . قَالَ يَحْيَى قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الْمُسْتَحَاضَةِ عَلَى حَدِيثِ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ وَهُوَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 2, Hadith 110
Arabic reference : Book 2, Hadith 139

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "An infant boy was brought to the Messenger of Allah, may Allah bless him and grant him peace, and it urinated on him. The Messenger of Allah, may Allah bless him and grant him peace, called for some water and rubbed over the urine with it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ أُتِيَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِصَبِيٍّ فَبَالَ عَلَى ثَوْبِهِ فَدَعَا رَسُولُ اللَّهِ صلى الله عليه وسلم بِمَاءٍ فَأَتْبَعَهُ إِيَّاهُ .

USC-MSA web (English) reference : Book 2, Hadith 111
Arabic reference : Book 2, Hadith 140

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Umm Qays ibn Mihsan that she brought a baby boy of hers who was not yet eating food to the Messenger of Allah, may Allah bless him and grant him peace, and he sat it in his arms and it urinated on his garment, so the Messenger of Allah, may Allah bless him and grant him peace, called for some water and sprinkled over it but did not wash it.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ أُمِّ قَيْسٍ بِنْتِ مِحْصَنٍ، أَنَّهَا أَتَتْ بِابْنٍ لَهَا صَغِيرٍ لَمْ يَأْكُلِ الطَّعَامَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَأَجْلَسَهُ فِي حَجْرِهِ فَبَالَ عَلَى ثَوْبِهِ فَدَعَا رَسُولُ اللَّهِ بِمَاءٍ فَنَضَحَهُ وَلَمْ يَغْسِلْهُ .

USC-MSA web (English) reference : Book 2, Hadith 112
Arabic reference : Book 2, Hadith 141

Yahya related to me from Malik that Yahya ibn Said said, "A Bedouin came into the mosque and uncovered his private parts to urinate. The people called out to him and began to raise their voices but the Messenger of Allah, may Allah bless him and grant him peace, said ,'Let him be. 'So they let him be and he urinated. Then the Messenger of Allah, may Allah bless him and grant him peace, ordered a bucketful of water to be brought and it was poured on the place."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ دَخَلَ أَعْرَابِيٌّ الْمَسْجِدَ فَكَشَفَ عَنْ فَرْجِهِ لِيَبُولَ فَصَاحَ النَّاسُ بِهِ حَتَّى عَلاَ الصَّوْتُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اتْرُكُوهُ " . فَتَرَكُوهُ فَبَالَ ثُمَّ أَمَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِذَنُوبٍ مِنْ مَاءٍ فَصُبَّ عَلَى ذَلِكَ الْمَكَانِ .

USC-MSA web (English) reference : Book 2, Hadith 113

Arabic reference : Book 2, Hadith 142

Yahya related to mefrom Malikthat Abdullah ibn Dinar said, "I saw Abdullah ibn Umar urinating while standing."

Yahya said that Malik was asked if any hadith had come down about washing the private parts of urine and faeces and he said, "I have heard that some of those who have passed away used to wash themselves of faeces. I like to wash my private parts of urine."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّهُ قَالَ رَأَيْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ يَبُولُ قَائِمًا . قَالَ يَحْيَى وَسُئِلَ مَالِكٌ عَنْ غَسْلِ الْفَرْجِ مِنَ الْبَوْلِ وَالْغَائِطِ هَلْ جَاءَ فِيهِ أَثَرٌ فَقَالَ بَلَغَنِي أَنَّ بَعْضَ مَنْ مَضَى كَانُوا يَتَوَضَّئُونَ مِنَ الْغَائِطِ وَأَنَا أُحِبُّ أَنْ أَغْسِلَ الْفَرْجَ مِنَ الْبَوْلِ .

USC-MSA web (English) reference : Book 2, Hadith 114
Arabic reference : Book 2, Hadith 143

Yahya related to me from Malik from Ibn Shihab from Ibn as-Sabbaq that the Messenger of Allah, may Allah bless him and grant him peace, said in a jumua, "Muslims! Allah has made this day a festival day (id) so do ghusl, and it will not harm whoever has perfume to apply some of it, and use a tooth-stick . "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ السَّبَّاقِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ فِي جُمُعَةٍ مِنَ الْجُمَعِ " يَا مَعْشَرَ الْمُسْلِمِينَ إِنَّ هَذَا يَوْمٌ جَعَلَهُ اللَّهُ عِيدًا فَاغْتَسِلُوا وَمَنْ كَانَ عِنْدَهُ طِيبٌ فَلاَ يَضُرُّهُ أَنْ يَمَسَّ مِنْهُ وَعَلَيْكُمْ بِالسِّوَاكِ " .

USC-MSA web (English) reference : Book 2, Hadith 115
Arabic reference : Book 2, Hadith 144

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Were it not that I would be overburdening my community I would have ordered them to use a tooth-stick."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لَوْلاَ أَنْ أَشُقَّ عَلَى أُمَّتِي لأَمَرْتُهُمْ بِالسِّوَاكِ " .

USC-MSA web (English) reference : Book 2, Hadith 116
Arabic reference : Book 2, Hadith 145

Yahya related to me from Malik from Ibn Shihab from Humayd ibn Abdar-Rahman ibn Awf that Abu Hurayra said, "Were it not that he would be overburdening his community he (the Messenger of Allah, may Allah bless him and grant him peace,) would have ordered them to use a tooth-stick with each wudu."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ لَوْلاَ أَنْ يَشُقَّ، عَلَى أُمَّتِهِ لأَمَرَهُمْ بِالسِّوَاكِ مَعَ كُلِّ وُضُوءٍ .

USC-MSA web (English) reference : Book 2, Hadith 117
Arabic reference : Book 2, Hadith 146

3 - Prayer كتاب الصلاة

Yahya related to me from Malik that Yahya ibn Said said, "The Messenger of Allah, may Allah bless him and grant him peace, had wanted to take two pieces of wood to strike them together to gather people for the prayer, and Abdullah ibn Zayd al-Ansari, then of the tribe of Harith ibn al-Khazraj, was shown two pieces of wood in his sleep. He said, 'These are close to what the Messenger of Allah, may Allah bless him and grant him peace, wants.' Then it was said, 'Do you not call to the prayer?', so when he woke up he went to the Messenger of Allah, may Allah bless him and grant him peace, and mentioned the dream to him. The Messenger of Allah, may Allah bless him and grant him peace, ordered the adhan."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم قَدْ أَرَادَ أَنْ يَتَّخِذَ خَشَبَتَيْنِ يُضْرَبُ بِهِمَا لِيَجْتَمِعَ النَّاسُ لِلصَّلاَةِ فَأُرِيَ عَبْدُ اللَّهِ بْنُ زَيْدٍ الأَنْصَارِيُّ ثُمَّ مِنْ بَنِي الْحَارِثِ بْنِ الْخَزْرَجِ خَشَبَتَيْنِ فِي النَّوْمِ فَقَالَ إِنَّ هَاتَيْنِ لَنَحْوٌ مِمَّا يُرِيدُ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقِيلَ أَلاَ تُؤَذِّنُونَ لِلصَّلاَةِ فَأَتَى رَسُولَ اللَّهِ صلى الله عليه وسلم حِينَ اسْتَيْقَظَ فَذَكَرَ لَهُ ذَلِكَ فَأَمَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِالأَذَانِ ‏.‏

Sunnah.com reference : Book 3, Hadith 1
USC-MSA web (English) reference : Book 3, Hadith 1
Arabic reference : Book 3, Hadith 147

Yahya related to me from Malik from Ibn Shihab from Ata ibn Yazid al-Laythi from Abu Said al-Khudri that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you hear the adhan, repeat what the muadhdhin says."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَطَاءِ بْنِ يَزِيدَ اللَّيْثِيِّ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ إِذَا سَمِعْتُمُ النِّدَاءَ فَقُولُوا مِثْلَ مَا يَقُولُ الْمُؤَذِّنُ ‏"‏ ‏.‏

Sunnah.com reference : Book 3, Hadith 2
USC-MSA web (English) reference : Book 3, Hadith 2
Arabic reference : Book 3, Hadith 148

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If people knew what was in the adhan and the first row of the prayer and could only draw lots for it, they would draw lots. And if they knew what was in doing dhuhr early, they would race each other to it. And if they knew what was in isha and subh, they would go to them even if they had to crawl."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ لَوْ يَعْلَمُ النَّاسُ مَا فِي النِّدَاءِ وَالصَّفِّ الأَوَّلِ ثُمَّ لَمْ يَجِدُوا إِلاَّ أَنْ يَسْتَهِمُوا عَلَيْهِ لاَسْتَهَمُوا وَلَوْ يَعْلَمُونَ مَا فِي التَّهْجِيرِ لاَسْتَبَقُوا إِلَيْهِ وَلَوْ يَعْلَمُونَ مَا فِي الْعَتَمَةِ وَالصُّبْحِ لأَتَوْهُمَا وَلَوْ حَبْوًا ‏"‏ ‏.‏

Sunnah.com reference : Book 3, Hadith 3
USC-MSA web (English) reference : Book 3, Hadith 3
Arabic reference : Book 3, Hadith 149

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman ibn Yaqub from his father and Ishaq ibn Abdullah that they informed him that they heard Abu Hurayra say, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'When the iqama is called for prayer, do not come to it running, but come with calmness. Pray what you catch and complete what you miss. You are in prayer as long as your aim is the prayer.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَعْقُوبَ، عَنْ أَبِيهِ، وَإِسْحَاقَ بْنِ عَبْدِ اللَّهِ، أَنَّهُمَا أَخْبَرَاهُ أَنَّهُمَا، سَمِعَا أَبَا هُرَيْرَةَ، يَقُولُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِذَا ثُوِّبَ بِالصَّلاَةِ فَلاَ تَأْتُوهَا وَأَنْتُمْ تَسْعَوْنَ وَأْتُوهَا وَعَلَيْكُمُ السَّكِينَةُ فَمَا أَدْرَكْتُمْ فَصَلُّوا وَمَا فَاتَكُمْ فَأَتِمُّوا فَإِنَّ أَحَدَكُمْ فِي صَلاَةٍ مَا كَانَ يَعْمِدُ إِلَى الصَّلاَةِ " .

Sunnah.com reference : Book 3, Hadith 4
USC-MSA web (English) reference : Book 3, Hadith 4
Arabic reference : Book 3, Hadith 150

Yahya related to me from Malik from Abd arRahman ibn Abdullah ibn Abd ar-Rahman ibn Abu Sasaca al-Ansari, and later al-Mazini, that his father told him that Abu Said al-Khudri had said to him, "I see that you love sheep and the desert. When you are among your sheep or in your desert, call the prayer and raise your voice in the adhan, because I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'No jinn or man or anything within range hears the voice of the muadhdhin except that it bears witness for him on the day of rising.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي صَعْصَعَةَ الأَنْصَارِيِّ، ثُمَّ الْمَازِنِيِّ عَنْ أَبِيهِ، أَنَّهُ أَخْبَرَهُ أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ قَالَ لَهُ " إِنِّي أَرَاكَ تُحِبُّ الْغَنَمَ وَالْبَادِيَةَ فَإِذَا كُنْتَ فِي غَنَمِكَ أَوْ بَادِيَتِكَ فَأَذَّنْتَ بِالصَّلاَةِ فَارْفَعْ صَوْتَكَ بِالنِّدَاءِ فَإِنَّهُ لاَ يَسْمَعُ مَدَى صَوْتِ الْمُؤَذِّنِ جِنٌّ وَلاَ إِنْسٌ وَلاَ شَىْءٌ إِلاَّ شَهِدَ لَهُ يَوْمَ الْقِيَامَةِ " . قَالَ أَبُو سَعِيدٍ سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم .

Sunnah.com reference : Book 3, Hadith 5
USC-MSA web (English) reference : Book 3, Hadith 5
Arabic reference : Book 3, Hadith 151

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the call to prayer is made Shaytan retreats, passing wind, so that he will not hear the adhan. When the adhan is completed he comes back, until, when the iqama is said, he retreats again. When the iqama is completed, he comes back, until he comes between a man and his self and says, 'Think of such and such, think of such and such,' which he was not thinking about before, until the man does not know how much he has prayed."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا نُودِيَ لِلصَّلاَةِ أَدْبَرَ الشَّيْطَانُ لَهُ ضُرَاطٌ حَتَّى لاَ يَسْمَعَ النِّدَاءَ فَإِذَا قُضِيَ النِّدَاءُ أَقْبَلَ حَتَّى إِذَا ثُوِّبَ بِالصَّلاَةِ أَدْبَرَ حَتَّى إِذَا قُضِيَ التَّثْوِيبُ أَقْبَلَ حَتَّى يَخْطِرَ بَيْنَ الْمَرْءِ وَنَفْسِهِ يَقُولُ اذْكُرْ كَذَا اذْكُرْ كَذَا لِمَا لَمْ يَكُنْ يَذْكُرُ حَتَّى يَظَلَّ الرَّجُلُ إِنْ يَدْرِي كَمْ صَلَّى " .

Sunnah.com reference : Book 3, Hadith 6
USC-MSA web (English) reference : Book 3, Hadith 6
Arabic reference : Book 3, Hadith 152

Yahya related to me from Malik from Abu Hazim ibn Dinar that Sahl ibn Sad as-Saidi said, "There are two times when the gates of heaven are opened, and few who make supplication have it returned to them unanswered. They are at the timeof the adhan, and in a rank of people fighting in the way of Allah."

Malik was asked whether the adhan on the day of jumua was called before the time had come for the prayer and he said, "It is not called until after the sun has passed the meridian."
Malik was asked about doubling the adhan and the iqama, and at what point people had to stand when the iqama for the prayer was called. He said, "I have heard nothing about the adhan and iqama except what I have seen people do. As for the iqama, it is not doubled. That is what the people of knowledge in our region continue to do. As for people standing up when the iqama for the prayer is called, I have not heard of any definite point at which it is begun, and I consider it rather to be according to people's (individual) capacity, for some people are heavy and some are light, and they are not able to be as one man ."
Malik was asked about a gathering of people who wished to do the prescribed prayer calling the iqama and not the adhan, and he said, "lt is enough for them. The adhan is only obligatory in mosques where the prayer is said in congregation."
Malik was asked about the muadhdhin saying "Peace be upon you" to the imam and calling him to the prayer, and he was asked who was the first person to whom such a greeting was made. He replied, "I have not heard that this greeting occurred in the first community."
Yahya said that Malik was asked whether a muadhdhin who called the people to prayer and then waited to see if anyone would come and no one did, so he said the iqama and did the prayer by himself and then people came after he had finished, should repeat the prayer with them. Malik said, "He does not repeat the prayer, and whoever comes after he has finished should do the prayer by himself."
Yahya said that Malik was asked about a muadhdhin who called the adhan for a group of people, did voluntary prayers, and then the group of people wanted to do the prayer with some one else saying the iqama. He said, "There is no harm in that. His iqama or somebody else's are the same."
Yahya said that Malik said, "The subh prayer is still called before dawn. As for the other prayers, we believe that they should only be called after the time has started."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي حَازِمِ بْنِ دِينَارٍ، عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ، أَنَّهُ قَالَ سَاعَتَانِ يُفْتَحُ لَهُمَا أَبْوَابُ السَّمَاءِ وَقَلَّ دَاعٍ تُرَدُّ عَلَيْهِ دَعْوَتُهُ حَضْرَةُ النِّدَاءِ لِلصَّلاَةِ وَالصَّفُّ فِي سَبِيلِ اللَّهِ .

Sunnah.com reference : Book 3, Hadith 7
USC-MSA web (English) reference : Book 3, Hadith 7
Arabic reference : Book 3, Hadith 153

Yahya related to me from Malik that he had heard that the muadhdhin came to Umar ibn al-Khattab to call him to the subh prayer and found him sleeping, so he said, "Prayer is better than sleep," and Umar ordered him to put that in the adhan for subh .

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ الْمُؤَذِّنَ، جَاءَ إِلَى عُمَرَ بْنِ الْخَطَّابِ يُؤْذِنُهُ لِصَلاَةِ الصُّبْحِ فَوَجَدَهُ نَائِمًا فَقَالَ الصَّلاَةُ خَيْرٌ مِنَ النَّوْمِ . فَأَمَرَهُ عُمَرُ أَنْ يَجْعَلَهَا فِي نِدَاءِ الصُّبْحِ .

Sunnah.com reference : Book 3, Hadith 8
USC-MSA web (English) reference : Book 3, Hadith 8
Arabic reference : Book 3, Hadith 154

Yahya related to me from Malik from his paternal uncle Abu Suhayl ibn Malik that his uncle's father said, "I recognise nothing nowadays of what I saw the people (i.e. the companions of the Messenger, may Allah bless him and grant him peace) doing except the call to prayer."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، أَنَّهُ قَالَ مَا أَعْرِفُ شَيْئًا مِمَّا أَدْرَكْتُ عَلَيْهِ النَّاسَ إِلاَّ النِّدَاءَ بِالصَّلاَةِ .

Sunnah.com reference : Book 3, Hadith 9
USC-MSA web (English) reference : Book 3, Hadith 9
Arabic reference : Book 3, Hadith 155

Yahya related to me from Malik that Abdullah ibn Umar heard the iqama while he was in Baqi, so he increased his pace of walking to the mosque.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، سَمِعَ الإِقَامَةَ، وَهُوَ بِالْبَقِيعِ فَأَسْرَعَ الْمَشْىَ إِلَى الْمَسْجِدِ .

Sunnah.com reference : Book 3, Hadith 10
USC-MSA web (English) reference : Book 3, Hadith 10
Arabic reference : Book 3, Hadith 156

Yahya related to me from Malik from Nafi that Abdullah ibn Umar called the adhan on a cold and windy night and included the phrase, "Do the prayer in shelter." Then he said, "The Messenger of Allah, may Allah bless him and grant him peace, used to orderthe muadhdhin to say, 'Do the prayerin shelter' when it was a cold, rainy night "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، أَذَّنَ بِالصَّلاَةِ فِي لَيْلَةٍ ذَاتِ بَرْدٍ وَرِيحٍ فَقَالَ أَلاَ صَلُّوا فِي الرِّحَالِ ثُمَّ قَالَ إِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَأْمُرُ الْمُؤَذِّنَ إِذَا كَانَتْ لَيْلَةٌ بَارِدَةٌ ذَاتُ مَطَرٍ يَقُولُ " أَلاَ صَلُّوا فِي الرِّحَالِ " .

Sunnah.com reference : Book 3, Hadith 11
USC-MSA web (English) reference : Book 3, Hadith 11
Arabic reference : Book 3, Hadith 157

Yahya related to me from Malik from Nafi that on a journey Abdullah ibn Umar did no more than the iqama, except for subh, when he called both the adhan and the iqama. Abdullah ibn Umar used to say, "The adhan is for an imam whom people join ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ لاَ يَزِيدُ عَلَى الإِقَامَةِ فِي السَّفَرِ إِلاَّ فِي الصُّبْحِ فَإِنَّهُ كَانَ يُنَادِي فِيهَا وَيُقِيمُ وَكَانَ يَقُولُ إِنَّمَا الأَذَانُ لِلإِمَامِ الَّذِي يَجْتَمِعُ النَّاسُ إِلَيْهِ .

Sunnah.com reference : Book 3, Hadith 12
USC-MSA web (English) reference : Book 3, Hadith 12
Arabic reference : Book 3, Hadith 158

Yahya related to me from Malik from Hisham ibn Urwa that his father said to him, "When you are on a journey you can, if you wish, call the adhan and the iqama, or, if you wish, the iqama and not the adhan."

Yahya said that he heard Malik say, "There is no harm in a man calling the adhan while riding."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ أَبَاهُ، قَالَ لَهُ إِذَا كُنْتَ فِي سَفَرٍ فَإِنْ شِئْتَ أَنْ تُؤَذِّنَ وَتُقِيمَ فَعَلْتَ وَإِنْ شِئْتَ فَأَقِمْ وَلاَ تُؤَذِّنْ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ لاَ بَأْسَ أَنْ يُؤَذِّنَ الرَّجُلُ وَهُوَ رَاكِبٌ .

Sunnah.com reference : Book 3, Hadith 13
USC-MSA web (English) reference : Book 3, Hadith 13
Arabic reference : Book 3, Hadith 159

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab used to say, "Whoever prays on waterless, desolate land - an angel prays on his right and an angel prays on his left. When he calls both the adhan and the iqama for the prayer, or calls out the iqama, angels like mountains pray behind him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ مَنْ صَلَّى بِأَرْضٍ فَلاَةٍ صَلَّى عَنْ يَمِينِهِ مَلَكٌ وَعَنْ شِمَالِهِ مَلَكٌ فَإِذَا أَذَّنَ وَأَقَامَ الصَّلاَةَ أَوْ أَقَامَ صَلَّى وَرَاءَهُ مِنَ الْمَلاَئِكَةِ أَمْثَالُ الْجِبَالِ .

Sunnah.com reference : Book 3, Hadith 14
USC-MSA web (English) reference : Book 3, Hadith 14
Arabic reference : Book 3, Hadith 160

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Bilal calls the adhan whilst it is still night so eat and drink until Ibn Umm Maktum calls the adhan."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّ بِلاَلاً يُنَادِي بِلَيْلٍ فَكُلُوا وَاشْرَبُوا حَتَّى يُنَادِيَ ابْنُ أُمِّ مَكْتُومٍ " .

Sunnah.com reference : Book 3, Hadith 15
USC-MSA web (English) reference : Book 3, Hadith 15
Arabic reference : Book 3, Hadith 161

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, said, "Bilal calls the adhan in the night, so eat and drink until Ibn Umm Maktum calls the adhan." Ibn Umm Maktum was a blind man who did not call the adhan until someone said to him, "The morning has come. The morning has come."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَاóa " إِنَّ بِلاَلاً يُنَادِي بِلَيْلٍ فَكُلُوا وَاشْرَبُوا حَتَّى يُنَادِيَ ابْنُ أُمِّ مَكْتُومٍ " . قَالَ وَكَانَ ابْنُ أُمِّ مَكْتُومٍ رَجُلاً أَعْمَى لاَ يُنَادِي حَتَّى يُقَالَ لَهُ أَصْبَحْتَ أَصْبَحْتَ .

Sunnah.com reference : Book 3, Hadith 16
USC-MSA web (English) reference : Book 3, Hadith 16
Arabic reference : Book 3, Hadith 162

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah from Abdullah ibn Umar that the Messengerof Allah, may Allah bless him and grant him peace, used to raise his hands to the level of his shoulders when he began the prayer and when he raised his head from the ruku he raised them in the same way, saying, "Allah hears whoever praises him, our Lord and praise belongs to You." He did not raise them in the sujud.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا افْتَتَحَ الصَّلاَةَ رَفَعَ يَدَيْهِ حَذْوَ مَنْكِبَيْهِ وَإِذَا رَفَعَ رَأْسَهُ مِنَ الرُّكُوعِ رَفَعَهُمَا كَذَلِكَ أَيْضًا وَقَالَ " سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ رَبَّنَا وَلَكَ الْحَمْدُ " . وَكَانَ لاَ يَفْعَلُ ذَلِكَ فِي السُّجُودِ .

Sunnah.com reference : Book 3, Hadith 17
USC-MSA web (English) reference : Book 3, Hadith 17
Arabic reference : Book 3, Hadith 163

Yahya related to me from Malik from Ibn Shihab that AIi ibn Husayn ibn Ali ibn Abi Talib said, "The Messenger of Allah, may Allah bless him and grant him peace, used to say, 'Allah is greater' whenever he lowered himself and raised himself, and he continued to pray like that until he met Al lah ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَلِيِّ بْنِ حُسَيْنِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّهُ قَالَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يُكَبِّرُ فِي الصَّلاَةِ كُلَّمَا خَفَضَ وَرَفَعَ فَلَمْ تَزَلْ تِلْكَ صَلاَتَهُ حَتَّى لَقِيَ اللَّهَ .

Sunnah.com reference : Book 3, Hadith 18
USC-MSA web (English) reference : Book 3, Hadith 18
Arabic reference : Book 3, Hadith 164

Yahya related to me from Malik from Yahya ibn Sa'id from Sulayman ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, used to raise his hands in the prayer.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَرْفَعُ يَدَيْهِ فِي الصَّلاَةِ .

Sunnah.com reference : Book 3, Hadith 19
USC-MSA web (English) reference : Book 3, Hadith 19
Arabic reference : Book 3, Hadith 165

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abdar-Rahman ibn Awf that Abu Hurayra used to lead them in prayer and would say "Allah is greater" whenever he lowered himself and raised himself. When he had finished he would say, "By Allah, I am the person whose prayer most resembles the prayer of the Messenger of Allah, may Allah bless him and grant him peace."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّ أَبَا هُرَيْرَةَ، كَانَ يُصَلِّي لَهُمْ فَيُكَبِّرُ كُلَّمَا خَفَضَ وَرَفَعَ فَإِذَا انْصَرَفَ قَالَ وَاللَّهِ إِنِّي لأَشْبَهُكُمْ بِصَلاَةِ رَسُولِ اللَّهِ صلى الله عليه وسلم .

Sunnah.com reference : Book 3, Hadith 20
USC-MSA web (English) reference : Book 3, Hadith 20
Arabic reference : Book 3, Hadith 166

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Umar used to say "Allah is greater" in the prayer whenever he lowered himself and raised himself.

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to raise his hands to the level of his shoulders when he began the prayer and when he raised his head from the ruku he would raise them less than that.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُكَبِّرُ فِي الصَّلاَةِ كُلَّمَا خَفَضَ وَرَفَعَ .

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا افْتَتَحَ الصَّلاَةَ رَفَعَ يَدَيْهِ حَذْوَ مَنْكِبَيْهِ وَإِذَا رَفَعَ رَأْسَهُ مِنَ الرُّكُوعِ رَفَعَهُمَا دُونَ ذَلِكَ .

Sunnah.com reference : Book 3, Hadith 21
USC-MSA web (English) reference : Book 3, Hadith 21
Arabic reference : Book 3, Hadith 167

Yahya related to me from Malik from Abu Nuaym Wahb ibn Kaysan that Jabir ibn Abdullah used to teach them the takbir in the prayer. Abu Nuaym said, "He used to tell us to say 'Allah is greater' whenever we lowered or raised ourselves."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي نُعَيْمٍ، وَهْبِ بْنِ كَيْسَانَ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ كَانَ يُعَلِّمُهُمُ التَّكْبِيرَ فِي الصَّلاَةِ . قَالَ فَكَانَ يَأْمُرُنَا أَنْ نُكَبِّرَ كُلَّمَا خَفَضْنَا وَرَفَعْنَا .

Sunnah.com reference : Book 3, Hadith 22
USC-MSA web (English) reference : Book 3, Hadith 22
Arabic reference : Book 3, Hadith 169

Yahya related to me from Malik that Ibn Shihab used to say, "When a man catches the raka he says, 'Allah is greater' once, and that takbir is enough for him."

Malik added, "That is if he intended to begin the prayer by that takbir "
Malik was asked about a man who began with the imam but forgot the opening takbir and the takbir of the ruku until he had done one raka. Then he remembered that he had not said the takbir at the opening nor in the ruku,so he said the takbir in the second raka. He said, "I prefer that he start his prayer again, but if he forgets the opening takbir with the imam and says the takbir in the first ruku, I consider that enough for him if he intends by it the opening takbir."
Malik said, about some one who prayed by himself and forgot the opening takbir, "He begins his prayer afresh ."
Malik said, about an imam who forgot the opening takbir until he had finished his prayer, "I think that he should do the prayer again, and those behind him, even if they have said the takbir."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ كَانَ يَقُولُ إِذَا أَدْرَكَ الرَّجُلُ الرَّكْعَةَ فَكَبَّرَ تَكْبِيرَةً وَاحِدَةً أَجْزَأَتْ عَنْهُ تِلْكَ التَّكْبِيرَةُ . قَالَ مَالِكٌ وَذَلِكَ إِذَا نَوَى بِتِلْكَ التَّكْبِيرَةِ افْتِتَاحَ الصَّلاَةِ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ دَخَلَ مَعَ الإِمَامِ فَنَسِيَ تَكْبِيرَةَ الاِفْتِتَاحِ وَتَكْبِيرَةَ الرُّكُوعِ حَتَّى صَلَّى رَكْعَةً ثُمَّ ذَكَرَ أَنَّهُ لَمْ يَكُنْ كَبَّرَ تَكْبِيرَةَ الاِفْتِتَاحِ وَلاَ عِنْدَ الرُّكُوعِ وَكَبَّرَ فِي الرَّكْعَةِ الثَّانِيَةِ قَالَ يَبْتَدِئُ صَلاَتَهُ أَحَبُّ إِلَىَّ وَلَوْ سَهَا مَعَ الإِمَامِ عَنْ تَكْبِيرَةِ الاِفْتِتَاحِ وَكَبَّرَ فِي الرُّكُوعِ الأَوَّلِ رَأَيْتُ ذَلِكَ مُجْزِيًا عَنْهُ إِذَا نَوَى بِهَا تَكْبِيرَةَ الاِفْتِتَاحِ . قَالَ مَالِكٌ فِي الَّذِي يُصَلِّي لِنَفْسِهِ فَنَسِيَ تَكْبِيرَةَ الاِفْتِتَاحِ إِنَّهُ يَسْتَأْنِفُ صَلاَتَهُ . وَقَالَ مَالِكٌ فِي إِمَامٍ يَنْسَى تَكْبِيرَةَ الاِفْتِتَاحِ حَتَّى يَفْرُغَ مِنْ صَلاَتِهِ قَالَ أَرَى أَنْ يُعِيدَ وَيُعِيدُ مَنْ خَلْفَهُ الصَّلاَةَ وَإِنْ كَانَ مَنْ خَلْفَهُ قَدْ كَبَّرُوا فَإِنَّهُمْ يُعِيدُونَ .

Sunnah.com reference : Book 3, Hadith 23
USC-MSA web (English) reference : Book 3, Hadith 23
Arabic reference : Book 3, Hadith 170

Yahya related to me from Malik from Ibn Shihab from Muhammad ibn Jubayr ibn Mutim that his father said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, recite at-Tur (Sura 52) in the maghrib prayer."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ مُحَمَّدِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ، عَنْ أَبِيهِ، أَنَّهُ قَالَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم قَرَأَ بِالطُّورِ فِي الْمَغْرِبِ .

Sunnah.com reference : Book 3, Hadith 24
USC-MSA web (English) reference : Book 3, Hadith 24
Arabic reference : Book 3, Hadith 171

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Abdullah ibn Abbas that Umm al- Fadl bint al-Harith heard him reciting al Mursalat (sura 77) and she said to him, "My son,

you have reminded me by reciting this sura that it was what I last heard the Messenger of Allah, may Allah bless him and grant him peace, recite in the maghrib prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ أُمَّ الْفَضْلِ بِنْتَ الْحَارِثِ، سَمِعَتْهُ وَهُوَ، يَقْرَأُ{وَالْمُرْسَلاَتِ عُرْفًا}فَقَالَتْ لَهُ يَا بُنَىَّ لَقَدْ ذَكَّرْتَنِي بِقِرَاءَتِكَ هَذِهِ السُّورَةَ إِنَّهَا لآخِرُ مَا سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقْرَأُ بِهَا فِي الْمَغْرِبِ ‏.‏

Sunnah.com reference : Book 3, Hadith 25
USC-MSA web (English) reference : Book 3, Hadith 25
Arabic reference : Book 3, Hadith 172

26 Yahya related to me from Malik from Abu Ubayd, the mawla of Sulayman ibn Abd alMalik, from Ubada ibn Nusayy from Qays ibn al Harith that Abu Abdullah as-Sunabihi said, "I arrived in Madina in the khalifate of Abu Bakr as-Siddiq, and I prayed maghrib behind him. He recited the umm al Qur'an and two suras from the shorter ones of the mufassal in the first two rakas. Then he stood up in the third and I drew so near to him that my clothes were almost touching his clothes. I heard him reciting the umm al-Qur'an and this ayat, 'Our Lord, do not make our hearts go astray after You have guided us, and give us mercy from Your presence. Surely You are the Giver. ' " (Sura 3 ayat 8)

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي عُبَيْدٍ، مَوْلَى سُلَيْمَانَ بْنِ عَبْدِ الْمَلِكِ عَنْ عُبَادَةَ بْنِ نُسَىٍّ، عَنْ قَيْسِ بْنِ الْحَارِثِ، عَنْ أَبِي عَبْدِ اللَّهِ الصُّنَابِحِيِّ، قَالَ قَدِمْتُ الْمَدِينَةَ فِي خِلاَفَةِ أَبِي بَكْرٍ الصِّدِّيقِ فَصَلَّيْتُ وَرَاءَهُ الْمَغْرِبَ فَقَرَأَ فِي الرَّكْعَتَيْنِ الأُولَيَيْنِ بِأُمِّ الْقُرْآنِ وَسُورَةٍ سُورَةٍ مِنْ قِصَارِ الْمُفَصَّلِ ثُمَّ قَامَ فِي الثَّالِثَةِ فَدَنَوْتُ مِنْهُ حَتَّى إِنَّ ثِيَابِي لَتَكَادُ أَنْ تَمَسَّ ثِيَابَهُ فَسَمِعْتُهُ قَرَأَ بِأُمِّ الْقُرْآنِ وَبِهَذِهِ الآيَةِ {رَبَّنَا لاَ تُزِغْ قُلُوبَنَا بَعْدَ إِذْ هَدَيْتَنَا وَهَبْ لَنَا مِنْ لَدُنْكَ رَحْمَةً إِنَّكَ أَنْتَ الْوَهَّابُ}‏.‏

Sunnah.com reference : Book 3, Hadith 26
USC-MSA web (English) reference : Book 3, Hadith 26
Arabic reference : Book 3, Hadith 173

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to recite in all four rakas as when he prayed alone - in every raka the umm al-Qur'an and another sura from the Qur'an. Sometimes he would recite two or three suras in one raka in the obligatory prayer. Similarly, he recited the umm al-Qur'an and two suras in the first two rakas of maghrib.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا صَلَّى وَحْدَهُ يَقْرَأُ فِي الأَرْبَعِ جَمِيعًا فِي كُلِّ رَكْعَةٍ بِأُمِّ الْقُرْآنِ وَسُورَةٍ مِنَ الْقُرْآنِ وَكَانَ يَقْرَأُ أَحْيَانًا بِالسُّورَتَيْنِ وَالثَّلاَثِ فِي الرَّكْعَةِ الْوَاحِدَةِ مِنْ صَلاَةِ الْفَرِيضَةِ وَيَقْرَأُ فِي الرَّكْعَتَيْنِ مِنَ الْمَغْرِبِ كَذَلِكَ بِأُمِّ الْقُرْآنِ وَسُورَةٍ سُورَةٍ ‏.‏

Sunnah.com reference : Book 3, Hadith 27
USC-MSA web (English) reference : Book 3, Hadith 27
Arabic reference : Book 3, Hadith 174

Yahya related to me from Malik from Yahya ibn Said from Adi ibn Thabit al-Ansari that al-Barra ibn Azib said, "I prayed isha with the Messenger of Allah, may Allah bless him and grant him peace, and he recited at-Tin (Sura 95) in it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَدِيِّ بْنِ ثَابِتٍ الأَنْصَارِيِّ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ، أَنَّهُ قَالَ صَلَّيْتُ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم الْعِشَاءَ فَقَرَأَ فِيهَا بِالتِّينِ وَالزَّيْتُونِ ‏.‏

Sunnah.com reference : Book 3, Hadith 28
USC-MSA web (English) reference : Book 3, Hadith 28
Arabic reference : Book 3, Hadith 175

Yahya related to me from Malik from Nafi from Ibrahim ibn Abdullah ibn Hunayn from hisfatherfromAliibnAbiTalibthattheMessengerof Allah, may Allah bless him and grant him peace, forbade wearing the qassi (an Egyptian garment, stripedwithsilk),wearing gold rings, and reciting the Qur'an in ruku.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ حُنَيْنٍ، عَنْ أَبِيهِ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ لُبْسِ الْقَسِّيِّ وَعَنْ تَخَتُّمِ الذَّهَبِ وَعَنْ قِرَاءَةِ الْقُرْآنِ فِي الرُّكُوعِ ‏.‏

Sunnah.com reference : Book 3, Hadith 29
USC-MSA web (English) reference : Book 3, Hadith 29
Arabic reference : Book 3, Hadith 176

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Ibrahim ibn al Harith at-Taymi from Abu Hazim at-Tammar from al Bayadi that the Messenger of Allah, may Allah bless him and grant him peace, came out to the people while they were praying and their voices were raised in the recitation. He said, "When you pray you are talking confidentially to your Lord. So look to what you confide to Him, and do not say the Qur'an out loud so that others hear it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، عَنْ أَبِي حَازِمٍ التَّمَّارِ، عَنِ الْبَيَاضِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم خَرَجَ عَلَى النَّاسِ وَهُمْ يُصَلُّونَ وَقَدْ عَلَتْ أَصْوَاتُهُمْ بِالْقِرَاءَةِ فَقَالَ ‏"‏ إِنَّ الْمُصَلِّيَ يُنَاجِي رَبَّهُ فَلْيَنْظُرْ بِمَا يُنَاجِيهِ بِهِ وَلاَ يَجْهَرْ بَعْضُكُمْ عَلَى بَعْضٍ بِالْقُرْآنِ ‏"‏ ‏.‏

Sunnah.com reference : Book 3, Hadith 30
USC-MSA web (English) reference : Book 3, Hadith 30
Arabic reference : Book 3, Hadith 177

Yahya related to me from Malik from Humayd at-Tawil that Anas ibn Malik said, "I stood behind Abu Bakr and Umar and Uthman and none of them used to recite 'In the name of Allah, the Merciful, the Compassionate' when they began the prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ قُمْتُ وَرَاءَ أَبِي بَكْرٍ وَعُمَرَ وَعُثْمَانَ فَكُلُّهُمْ كَانَ لاَ يَقْرَأُ ‏{‏بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ ‏}‏ إِذَا افْتَتَحَ الصَّلاَةَ ‏.‏

Sunnah.com reference : Book 3, Hadith 31
USC-MSA web (English) reference : Book 3, Hadith 31
Arabic reference : Book 3, Hadith 178

Yahya related to me from Malik from his paternal uncle Abu Suhayl ibn Malik that his father said, "We heard the recitation of Umar ibn al-Khattab when we were at the home of Abu Jahmin al-Balat." (Al-Balat was a place in Madina between the mosque and the market.)

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، أَنَّهُ قَالَ كُنَّا نَسْمَعُ قِرَاءَةَ عُمَرَ بْنِ الْخَطَّابِ عِنْدَ دَارِ أَبِي جَهْمٍ بِالْبَلاَطِ .

Sunnah.com reference : Book 3, Hadith 32
USC-MSA web (English) reference : Book 3, Hadith 32
Arabic reference : Book 3, Hadith 179

Yahya related to me from Malik from Nafi that when Abdullah ibn Umar missed anything of the prayer in which the imam recited out loud, he would stand up when the imam had said the taslim and recite what he owed out loud to himself.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا فَاتَهُ شَىْءٌ مِنَ الصَّلاَةِ مَعَ الإِمَامِ فِيمَا جَهَرَ فِيهِ الإِمَامُ بِالْقِرَاءَةِ أَنَّهُ إِذَا سَلَّمَ الإِمَامُ - قَامَ عَبْدُ اللَّهِ بْنُ عُمَرَ فَقَرَأَ لِنَفْسِهِ فِيمَا يَقْضِي وَجَهَرَ .

Sunnah.com reference : Book 3, Hadith 33
USC-MSA web (English) reference : Book 3, Hadith 33
Arabic reference : Book 3, Hadith 180

Yahya related to me from Malik that Yazid ibn Ruman said, "I used to pray next to Nafi ibn Jubayr ibn Mutim and he would nudge me to prompt him while we were praying."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ رُومَانَ، أَنَّهُ قَالَ كُنْتُ أُصَلِّي إِلَى جَانِبِ نَافِعِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ فَيَغْمِزُنِي فَأَفْتَحُ عَلَيْهِ وَنَحْنُ نُصَلِّي .

Sunnah.com reference : Book 3, Hadith 34
USC-MSA web (English) reference : Book 3, Hadith 34
Arabic reference : Book 3, Hadith 181

Yahya related to me from Malik from Hisham ibn Urwa from his father that Abu Bakr as-Siddiq prayed subh and recited suratal-Baqara in the two rak'as.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ، صَلَّى الصُّبْحَ فَقَرَأَ فِيهَا سُورَةَ الْبَقَرَةِ فِي الرَّكْعَتَيْنِ كِلْتَيْهِمَا .

Sunnah.com reference : Book 3, Hadith 35
USC-MSA web (English) reference : Book 3, Hadith 35
Arabic reference : Book 3, Hadith 182

Yahya related to me from Malik from Hisham ibn Urwa that his father heard Abdullah ibn Amir ibn Rabia say, "We prayed subh behind Umar ibn al-Khattab and he recited suraYusuf (Sura 12) and surat al- Hajj (Sura 22) slowly." I (Hisham's father) said, "By Allah, then it must have been his habit to get up at the crack of dawn." He said, "Of course."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ سَمِعَ عَبْدَ اللَّهِ بْنَ عَامِرِ بْنِ رَبِيعَةَ، يَقُولُ صَلَّيْنَا وَرَاءَ عُمَرَ بْنِ الْخَطَّابِ الصُّبْحَ فَقَرَأَ فِيهَا بِسُورَةِ يُوسُفَ وَسُورَةِ الْحَجِّ قِرَاءَةً بَطِيئَةً فَقُلْتُ وَاللَّهِ إِذًا لَقَدْ كَانَ يَقُومُ حِينَ يَطْلُعُ الْفَجْرُ . قَالَ أَجَلْ .

Sunnah.com reference : Book 3, Hadith 36
USC-MSA web (English) reference : Book 3, Hadith 36

Arabic reference : Book 3, Hadith 183

Yahya related to me from Malik from Yahya ibn Said and Rabia ibn Abi Abd arRahman from al-Qasim ibn Muhammad that al Furafisa ibn Umayral-Hanafi said, "I only learnt Sura Yusuf (Sura 12) from the recitation of it by Uthman ibn Affan in the subh prayer because of the great number of times he repeated it to us."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، وَرَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّ الْفُرَافِصَةَ بْنَ عُمَيْرٍ الْحَنَفِيَّ، قَالَ مَا أَخَذْتُ سُورَةَ يُوسُفَ إِلاَّ مِنْ قِرَاءَةِ عُثْمَانَ بْنِ عَفَّانَ إِيَّاهَا فِي الصُّبْحِ مِنْ كَثْرَةِ مَا كَانَ يُرَدِّدُهَا لَنَا .

Sunnah.com reference : Book 3, Hadith 37
USC-MSA web (English) reference : Book 3, Hadith 37
Arabic reference : Book 3, Hadith 184

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to recite the first ten suras of the mufassal in the subh prayer, and on a journey he would recite the ummal-Qur'an and a sura in every raka.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقْرَأُ فِي الصُّبْحِ فِي السَّفَرِ بِالْعَشْرِ السُّوَرِ الأُوَلِ مِنَ الْمُفَصَّلِ فِي كُلِّ رَكْعَةٍ بِأُمِّ الْقُرْآنِ وَسُورَةٍ .

Sunnah.com reference : Book 3, Hadith 38
USC-MSA web (English) reference : Book 3, Hadith 38
Arabic reference : Book 3, Hadith 185

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman ibn Yaqub that Abu Said, the mawla of Amir ibn Kuraz told him that the Messenger of Allah, may Allah bless him and grant him peace, called toUbayy ibn Kab while he was praying. When Ubayy had finished his prayer he joined the Messenger of Allah, may Allah bless him and grant him peace, and the Messenger of Allah put his hand upon his hand, and he was intending to leave by the door of the mosque, so the Messenger of Allah, may Allah bless him and grant him peace, said, "I hope that you will not leave the mosque until you know a sura whose like Allah has notsentdown in the Tawrah nor in the Injil nor in the Qur'an." Ubayysaid, "I began to slow down my pace in the hope of that. Then I said, 'Messenger of Allah, the sura you promised me!' He said, 'What do you recite when you begin the prayer?' I recited the Fatiha (Sura 1) until I came to the end of it, and the Messengerof Allah, may Allah bless him and grant him peace, said, 'It is this sura, and it is the "seven oft-repeated" and the Great Qur'an which I was given.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَعْقُوبَ، أَنَّ أَبَا سَعِيدٍ، مَوْلَى عَامِرِ بْنِ كُرَيْزٍ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَادَى أُبَىَّ بْنَ كَعْبٍ وَهُوَ يُصَلِّي فَلَمَّا فَرَغَ مِنْ صَلاَتِهِ لَحِقَهُ فَوَضَعَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَدَهُ عَلَى يَدِهِ وَهُوَ يُرِيدُ أَنْ يَخْرُجَ مِنْ بَابِ الْمَسْجِدِ فَقَالَ " إِنِّي لأَرْجُو أَنْ لاَ تَخْرُجَ مِنَ الْمَسْجِدِ حَتَّى تَعْلَمَ سُورَةً مَا أَنْزَلَ اللَّهُ فِي التَّوْرَاةِ وَلاَ فِي الإِنْجِيلِ وَلاَ فِي الْقُرْآنِ مِثْلَهَا " . قَالَ أُبَىٌّ فَجَعَلْتُ أُبْطِئُ فِي الْمَشْىِ رَجَاءَ ذَلِكَ ثُمَّ قُلْتُ يَا رَسُولَ اللَّهِ السُّورَةَ الَّتِي وَعَدْتَنِي . قَالَ " كَيْفَ تَقْرَأُ إِذَا افْتَتَحْتَ الصَّلاَةَ " . قَالَ فَقَرَأْتُ {الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ} حَتَّى أَتَيْتُ عَلَى آخِرِهَا . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " هِيَ هَذِهِ السُّورَةُ وَهِيَ السَّبْعُ الْمَثَانِي وَالْقُرْآنُ الْعَظِيمُ الَّذِي أُعْطِيتُ " .

Sunnah.com reference : Book 3, Hadith 39
USC-MSA web (English) reference : Book 3, Hadith 39
Arabic reference : Book 3, Hadith 186

Yahya related to me from Malik from Abu Nuaym Wahb ibn Kaysan that he heard Jabir ibn Abdullah say, "Someone who prays a raka without reciting the umm al-Qur'an in it has not done the prayer except behind an imam."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي نُعَيْمٍ، وَهْبِ بْنِ كَيْسَانَ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ، يَقُولُ مَنْ صَلَّى رَكْعَةً لَمْ يَقْرَأْ فِيهَا بِأُمِّ الْقُرْآنِ فَلَمْ يُصَلِّ إِلاَّ وَرَاءَ الإِمَامِ .

Sunnah.com reference : Book 3, Hadith 40
USC-MSA web (English) reference : Book 3, Hadith 40
Arabic reference : Book 3, Hadith 187

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman ibn Ya'qub that he heard Abu's-Sa'ib, the mawla of Hisham ibn Zuhra, say he had heard Abu Hurayra say, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Whoever prays a prayer without reciting the umm al-Qur'an in it, his prayer is aborted, it is aborted, it is aborted, incomplete.' So I said, 'Abu Hurayra, sometimes I am behind the imam.'Hepulled my forearm and said, 'Recite it to yourself, O Persian, for I heard the Messenger of Allah, may Allah bless him and grant him peace, say that Allah the Blessed, the Exalted, said, "I have divided the prayer into two halves between me and my slave. One half of it is for Me and one half of it is for IVly slave, and My slave has what he asks." ' The Messenger of Allah, may Allah bless him and grant him peace, said, "Recite." The slave says, 'Praise be to AIIah, the Lord of theWorlds.' Allah the Blessed, the Exalted, says, 'My slave has praised Me.' The slave says, 'The Merciful, the Compassionate.' Allah says, 'My slave has spoken well of Me.' The slave says, 'Master of the Day of the Deen.' Allah says, 'My slave has glorified Me.' The slave says, 'You alone we worship and You alone we askforhelp.'Allahsays,'This ayat is between Me and My slave, and for My slave is what he asks. 'The slave says, 'Guide us in the straight Path, the Path of those whom You have blessed, not of those with whom You are angry, nor those who are in error. ' Allah says, 'These are for My slaves, and for my slave is what he asks . ' " ' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَعْقُوبَ، أَنَّهُ سَمِعَ أَبَا السَّائِبِ، مَوْلَى هِشَامِ بْنِ زُهْرَةَ يَقُولُ سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " مَنْ صَلَّى صَلاَةً لَمْ يَقْرَأْ فِيهَا بِأُمِّ الْقُرْآنِ فَهِيَ خِدَاجٌ هِيَ خِدَاجٌ هِيَ خِدَاجٌ غَيْرُ تَمَامٍ " . قَالَ فَقُلْتُ يَا أَبَا هُرَيْرَةَ إِنِّي أَحْيَانًا أَكُونُ وَرَاءَ الإِمَامِ قَالَ فَغَمَزَ ذِرَاعِي ثُمَّ قَالَ اقْرَأْ بِهَا فِي نَفْسِكَ يَا فَارِسِيُّ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى قَسَمْتُ الصَّلاَةَ بَيْنِي وَبَيْنَ عَبْدِي نِصْفَيْنِ فَنِصْفُهَا لِي وَنِصْفُهَا لِعَبْدِي وَلِعَبْدِي مَا سَأَلَ " . قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اقْرَءُوا يَقُولُ الْعَبْدُ {الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ} يَقُولُ اللَّهُ تَبَارَكَ وَتَعَالَى حَمِدَنِي عَبْدِي وَيَقُولُ الْعَبْدُ{الرَّحْمَنِ الرَّحِيمِ} يَقُولُ اللَّهُ أَثْنَى عَلَىَّ عَبْدِي وَيَقُولُ الْعَبْدُ {مَالِكِ يَوْمِ الدِّينِ} يَقُولُ اللَّهُ مَجَّدَنِي عَبْدِي يَقُولُ الْعَبْدُ {إِيَّاكَ نَعْبُدُ وَإِيَّاكَ نَسْتَعِينُ} فَهَذِهِ الآيَةُ بَيْنِي وَبَيْنَ عَبْدِي وَلِعَبْدِي مَا سَأَلَ يَقُولُ الْعَبْدُ {اهْدِنَا الصِّرَاطَ الْمُسْتَقِيمَ صِرَاطَ الَّذِينَ أَنْعَمْتَ عَلَيْهِمْ غَيْرِ الْمَغْضُوبِ عَلَيْهِمْ وَلاَ الضَّالِّينَ } فَهَؤُلاَءِ لِعَبْدِي وَلِعَبْدِي مَا سَأَلَ " .

Sunnah.com reference : Book 3, Hadith 41
USC-MSA web (English) reference : Book 3, Hadith 41
Arabic reference : Book 3, Hadith 188

Yahya related to me from Malik from Hisham ibn Urwa that his father used to recite behind the imam when the imam did not recite aloud.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقْرَأُ خَلْفَ الإِمَامِ فِيمَا لاَ يَجْهَرُ فِيهِ الإِمَامُ بِالْقِرَاءَةِ .

Sunnah.com reference : Book 3, Hadith 42
USC-MSA web (English) reference : Book 3, Hadith 42
Arabic reference : Book 3, Hadith 189

Yahya related to me from Malik from Yahya ibn Said and from Rabia ibn Abi Abd ar Rahman that al-Qasim ibn Muhammad used to recite behind the imam when the imam did not recite aloud.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، وَعَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، كَانَ يَقْرَأُ خَلْفَ الإِمَامِ فِيمَا لاَ يَجْهَرُ فِيهِ الإِمَامُ بِالْقِرَاءَةِ .

Sunnah.com reference : Book 3, Hadith 43
USC-MSA web (English) reference : Book 3, Hadith 43
Arabic reference : Book 3, Hadith 190

Yahya related to me from Malik from Yazid ibn Ruman that Nafi ibn Jubayr ibn Mutim used to recite behind the imam when hedid not recite aloud .

Malik said, "That is the most preferable to me of what I have heard about the matter."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ رُومَانَ، أَنَّ نَافِعَ بْنَ جُبَيْرِ بْنِ مُطْعِمٍ، كَانَ يَقْرَأُ خَلْفَ الإِمَامِ فِيمَا لاَ يَجْهَرُ فِيهِ بِالْقِرَاءَةِ . قَالَ مَالِكٌ وَذَلِكَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ .

Sunnah.com reference : Book 3, Hadith 44
USC-MSA web (English) reference : Book 3, Hadith 44
Arabic reference : Book 3, Hadith 191

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, when asked if anyone should recite behind an imam, said, "When you pray behind an imam then the recitation of the imam is enough for you and when you pray on your own you must recite." Nafi added, "Abdullah ibn 'Umar used not to recite behind the imam."

Yahya said that he heard Malik say, "The position with us is that aman recites behind the imam when the imam does not recite aloud and he refrains from reciting when the imam recites aloud."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا سُئِلَ هَلْ يَقْرَأُ أَحَدٌ خَلْفَ الإِمَامِ قَالَ إِذَا صَلَّى أَحَدُكُمْ خَلْفَ الإِمَامِ فَحَسْبُهُ قِرَاءَةُ الإِمَامِ وَإِذَا صَلَّى وَحْدَهُ فَلْيَقْرَأْ . قَالَ وَكَانَ عَبْدُ اللَّهِ بْنُ عُمَرَ لاَ يَقْرَأُ خَلْفَ الإِمَامِ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ الأَمْرُ عِنْدَنَا أَنْ يَقْرَأَ الرَّجُلُ وَرَاءَ الإِمَامِ فِيمَا لاَ يَجْهَرُ فِيهِ الإِمَامُ بِالْقِرَاءَةِ وَيَتْرُكُ الْقِرَاءَةَ فِيمَا يَجْهَرُ فِيهِ الإِمَامُ بِالْقِرَاءَةِ .

Sunnah.com reference : Book 3, Hadith 45
USC-MSA web (English) reference : Book 3, Hadith 45
Arabic reference : Book 3, Hadith 192

Yahya related to me from Malik from Ibn Shihab from Ibn Ukayma al-Laythi from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, finished a prayer in which he had recited aloud and asked, "Did any of you recite with me just now?" One man said, "Yes, I did, Messenger of Allah." The Messenger of Allah, may Allah bless him and grant him peace, said, "I was saying to myself, 'Why am I distracted from the Qur'an?' " When the people heard the Messenger of Allah, may Allah bless him and grant him peace, say that, they refrained from reciting with the Messenger of Allah, may Allah bless him and grant him peace, when he recited aloud.

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ أُكَيْمَةَ اللَّيْثِيِّ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم انْصَرَفَ مِنْ صَلاَةٍ جَهَرَ فِيهَا بِالْقِرَاءَةِ فَقَالَ " هَلْ قَرَأَ مَعِي مِنْكُمْ أَحَدٌ آنِفًا " . فَقَالَ رَجُلٌ نَعَمْ أَنَا يَا رَسُولَ اللَّهِ . قَالَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنِّي أَقُولُ مَا لِي أُنَازَعُ الْقُرْآنَ " . فَانْتَهَى النَّاسُ عَنِ الْقِرَاءَةِ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فِيمَا جَهَرَ فِيهِ رَسُولُ اللَّهِ صلى الله عليه وسلم بِالْقِرَاءَةِ حِينَ سَمِعُوا ذَلِكَ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم .

Sunnah.com reference : Book 3, Hadith 46
USC-MSA web (English) reference : Book 3, Hadith 46

Arabic reference : Book 3, Hadith 193

Yahya related to me from Malik from Ibn Shihab that Sa'id ibn al- Musayyab and Abu Salama ibn Abd ar-Rahman told him from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the imam says 'Amin', say 'Amin', for the one whose 'Amin' coincides with the 'Amin' of the angels - his previous wrong actions are forgiven him."

Ibn Shihab said, "The Messenger of Allah, may Allah bless him and grant him peace, used to say 'Aameen' (extending it)."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَأَبِي، سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ أَنَّهُمَا أَخْبَرَاهُ عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا أَمَّنَ الإِمَامُ فَأَمِّنُوا فَإِنَّهُ مَنْ وَافَقَ تَأْمِينُهُ تَأْمِينَ الْمَلاَئِكَةِ غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ " . قَالَ ابْنُ شِهَابٍ وَكَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَقُولُ آمِينَ .

Sunnah.com reference : Book 3, Hadith 47
USC-MSA web (English) reference : Book 3, Hadith 47
Arabic reference : Book 3, Hadith 194

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr, from Abu Salih as Samman, from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the imam has said, 'not of those with whom You are angry nor of those who are in error,' say 'Amin', for the previous wrong actions of the one whose utterance coincides with that of the angels, are forgiven him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرٍ عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا قَالَ الإِمَامُ {غَيْرِ الْمَغْضُوبِ عَلَيْهِمْ وَلاَ الضَّالِّينَ} فَقُولُوا آمِينَ فَإِنَّهُ مَنْ وَافَقَ قَوْلُهُ قَوْلَ الْمَلاَئِكَةِ غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ " .

Sunnah.com reference : Book 3, Hadith 48
USC-MSA web (English) reference : Book 3, Hadith 48
Arabic reference : Book 3, Hadith 195

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When one of you says 'Amin' and the angels in the sky say 'Amin' so that one coincides with the other, his previous wrong actions are forgiven him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا قَالَ أَحَدُكُمْ آمِينَ وَقَالَتِ الْمَلاَئِكَةُ فِي السَّمَاءِ آمِينَ فَوَافَقَتْ إِحْدَاهُمَا الأُخْرَى غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ " .

Sunnah.com reference : Book 3, Hadith 49
USC-MSA web (English) reference : Book 3, Hadith 49
Arabic reference : Book 3, Hadith 196

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr, from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the imam says, 'Allah hears whoever praises Him,' say 'O Allah! Our Lord, praise be toYou, 'for the previous wrong actions done by the one whose utterance coincides with that of the angels are forgiven."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرٍ عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا قَالَ الإِمَامُ سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ فَقُولُوا اللَّهُمَّ رَبَّنَا لَكَ الْحَمْدُ فَإِنَّهُ مَنْ وَافَقَ قَوْلُهُ قَوْلَ الْمَلاَئِكَةِ غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ " .

Sunnah.com reference : Book 3, Hadith 50
USC-MSA web (English) reference : Book 3, Hadith 50
Arabic reference : Book 3, Hadith 197

Yahya related to me from Malik from Muslim ibn Abi Maryam that AIi ibn Abd ar-Rahman al-Muawi said, "Abdullah ibn Umar saw me playing with some small pebbles in the prayer. When I finished he forbade me, saying, 'Do as the Messenger of Allah, may Allah bless him and grant him peace, did.' I said, 'What did the Messenger of Allah, may Allah bless him and grant him peace, do?' He said, 'When he sat in the prayer, he placed his right hand on his right thigh and he closed his fist and pointed his index finger, and he placed his left hand on his left thigh. That is what he used to do.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُسْلِمِ بْنِ أَبِي مَرْيَمَ، عَنْ عَلِيِّ بْنِ عَبْدِ الرَّحْمَنِ الْمُعَاوِيِّ، أَنَّهُ قَالَ رَآنِي عَبْدُ اللَّهِ بْنُ عُمَرَ وَأَنَا أَعْبَثُ بِالْحَصْبَاءِ فِي الصَّلاَةِ فَلَمَّا انْصَرَفْتُ نَهَانِي وَقَالَ اصْنَعْ كَمَا كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَصْنَعُ . فَقُلْتُ وَكَيْفَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَصْنَعُ قَالَ كَانَ إِذَا جَلَسَ فِي الصَّلاَةِ وَضَعَ كَفَّهُ الْيُمْنَى عَلَى فَخِذِهِ الْيُمْنَى وَقَبَضَ أَصَابِعَهُ كُلَّهَا وَأَشَارَ بِأَصْبُعِهِ الَّتِي تَلِي الإِبْهَامَ وَوَضَعَ كَفَّهُ الْيُسْرَى عَلَى فَخِذِهِ الْيُسْرَى وَقَالَ هَكَذَا كَانَ يَفْعَلُ .

Sunnah.com reference : Book 3, Hadith 51
USC-MSA web (English) reference : Book 3, Hadith 51
Arabic reference : Book 3, Hadith 198

Yahya related to me from Malik from Abdullah ibn Dinar that he had seen Abdullah ibn Umar with a man praying at his side. When the man sat in the fourth raka, heput both feet to one side and crossed them. When Abdullah finished, he disapproved of that to him, and the man protested, "But you do the same." Abdullah ibn Umar said, "I am ill."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّهُ سَمِعَ عَبْدَ اللَّهِ بْنَ عُمَرَ، وَصَلَّى، إِلَى جَنْبِهِ رَجُلٌ فَلَمَّا جَلَسَ الرَّجُلُ فِي أَرْبَعٍ تَرَبَّعَ وَثَنَى رِجْلَيْهِ فَلَمَّا انْصَرَفَ عَبْدُ اللَّهِ عَابَ ذَلِكَ عَلَيْهِ فَقَالَ الرَّجُلُ فَإِنَّكَ تَفْعَلُ ذَلِكَ . فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ فَإِنِّي أَشْتَكِي .

Sunnah.com reference : Book 3, Hadith 52
USC-MSA web (English) reference : Book 3, Hadith 52
Arabic reference : Book 3, Hadith 199

Yahya related to me from Malik from Sadaqa ibn Yasar that al- Mughira ibn Hakim saw Abdullah ibn Umar sit back from the two sajdas of the prayer onto the top of his feet. When he had finished, al- Mughira mentioned it to him, and Abdullah ibn Umar explained, "It is not a sunna of the prayer. I do it because I am ill."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ صَدَقَةَ بْنِ يَسَارٍ، عَنِ الْمُغِيرَةِ بْنِ حَكِيمٍ، أَنَّهُ رَأَى عَبْدَ اللَّهِ بْنَ عُمَرَ يَرْجِعُ فِي سَجْدَتَيْنِ فِي الصَّلاَةِ عَلَى صُدُورِ قَدَمَيْهِ فَلَمَّا انْصَرَفَ ذَكَرَ لَهُ ذَلِكَ فَقَالَ إِنَّهَا لَيْسَتْ سُنَّةَ الصَّلاَةِ وَإِنَّمَا أَفْعَلُ هَذَا مِنْ أَجْلِ أَنِّي أَشْتَكِي .

Sunnah.com reference : Book 3, Hadith 53
USC-MSA web (English) reference : Book 3, Hadith 53
Arabic reference : Book 3, Hadith 200

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that Abdullah ibn Umar told him that he used to see Abdullah ibn Umar cross his legs in the sitting position of the prayer.He said, "So I did the same, and I was young at the time. Abdullah ibn Umar forbade me and said, 'The sunna of the prayer is that you keep your right foot vertical and lay your left foot down.' I said to him, 'But you do the same (as I did).' He said, 'My feet do not support me.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ أَخْبَرَهُ أَنَّهُ، كَانَ يَرَى عَبْدَ اللَّهِ بْنَ عُمَرَ يَتَرَبَّعُ فِي الصَّلاَةِ إِذَا جَلَسَ قَالَ فَفَعَلْتُهُ وَأَنَا يَوْمَئِذٍ حَدِيثُ السِّنِّ فَنَهَانِي عَبْدُ اللَّهِ وَقَالَ إِنَّمَا سُنَّةُ الصَّلاَةِ أَنْ تَنْصِبَ رِجْلَكَ الْيُمْنَى وَتَثْنِيَ رِجْلَكَ الْيُسْرَى . فَقُلْتُ لَهُ فَإِنَّكَ تَفْعَلُ ذَلِكَ . فَقَالَ إِنَّ رِجْلَىَّ لاَ تَحْمِلاَنِّي .

Sunnah.com reference : Book 3, Hadith 54
USC-MSA web (English) reference : Book 3, Hadith 54
Arabic reference : Book 3, Hadith 201

Yahya related to me from Malik from Yahya ibn Said that al-Qasim ibn Muhammad showed them how to sit in the tashahhud, and he kept his right foot vertical and laid his left foot down, and sat on his left haunch not on his foot. Then he said, "Abdullah ibn Abdullah ibn Umar saw me doing this and related to me that his father used to do the same thing."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، أَرَاهُمُ الْجُلُوسَ فِي التَّشَهُّدِ فَنَصَبَ رِجْلَهُ الْيُمْنَى وَثَنَى رِجْلَهُ الْيُسْرَى وَجَلَسَ عَلَى وَرِكِهِ الأَيْسَرِ وَلَمْ يَجْلِسْ عَلَى قَدَمِهِ ثُمَّ قَالَ أَرَانِي هَذَا عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ وَحَدَّثَنِي أَنَّ أَبَاهُ كَانَ يَفْعَلُ ذَلِكَ .

Sunnah.com reference : Book 3, Hadith 55
USC-MSA web (English) reference : Book 3, Hadith 55
Arabic reference : Book 3, Hadith 202

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr from Abd ar-Rahman ibn Abd al-Qari that he heard Umar ibn al- Khattab say, while he was teaching people the tashahhud from the mimbar, "Say, Greetings belong to Allah. Pure actions belong to Allah. Good words and prayers belong to Allah. Peace on you, Prophet, and the mercy of Allah and His blessings. Peace be upon us and on the slaves of Allah who are salihun. I testify that there is no god except Allah. And I testify that Muhammad is His slave and His messenger."

'At-tahiyatu lillah, az-zakiyatu lillah, at-tayibatu wa's-salawatu lillah. As-salamu alayka ayyuha'nnabiyyu wa rahmatu'llahi wa barakatuhu. As-salamu alayna wa ala ibadi'llahi s-salihin. Ash-hadu an la ilaha illa 'llah wa ash-hadu anna Muhammadan abduhu wa rasuluh."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدٍ الْقَارِيِّ، أَنَّهُ سَمِعَ عُمَرَ بْنَ الْخَطَّابِ، وَهُوَ عَلَى الْمِنْبَرِ يُعَلِّمُ النَّاسَ التَّشَهُّدَ يَقُولُ قُولُوا التَّحِيَّاتُ لِلَّهِ الزَّاكِيَاتُ لِلَّهِ الطَّيِّبَاتُ الصَّلَوَاتُ لِلَّهِ السَّلاَمُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ السَّلاَمُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ أَشْهَدُ أَنْ لاَ إِلَهَ إِلاَّ اللَّهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ .

Sunnah.com reference : Book 3, Hadith 56
USC-MSA web (English) reference : Book 3, Hadith 56
Arabic reference : Book 3, Hadith 203

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say the tashahhud saying, "In the name of Allah. Greetings belong to Allah. Prayers belong to Allah. Pure actions belong to Allah. Peace be on the Prophet and the mercy of Allah and His blessings. Peace be on us and on the slaves of Allah who are salihun. I testify that there is no god except Allah. I testify that Muhammad is the Messenger of Allah."

"Bismillah, at-tahiyatu lillah, as-salawatu lillah, az-zakiyatu lillah. As-salamu ala'n-nabiyyi wa rahmatullahi wa barakatuhu. As-salamu alayna wa ala ibadi'llahi's-salihin. Shahidtu an la ilaha illallah. Shahidtu anna Muhammadu'r-rasulu'llah."

He used to say this after the first two rakas and he would make supplication with whatever seemed fit to him when the tashahhud was completed. When he sat at the end of the prayer, he did the tashahhud in a similar manner, except that after the tashahhud he made supplication with whatever seemed fit to him. When he had completed the tashahhud and intended to say the taslim, he said, "Peace be on the Prophet and His mercy and blessings. Peace be upon us and on the slaves of Allah who are salihun."
"As- salamu ala'n-nabiyyi wa rahmatu'llahi wa barakatuhu. As-salamu alayna wa ala ibadi'llahi'ssalihin ."
He then said, "Peace be upon you" to his right, and would return the greeting to the imam, and if anyone said "Peace be upon you" from his left he would return the greeting to him.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَتَشَهَّدُ فَيَقُولُ بِاسْمِ اللَّهِ التَّحِيَّاتُ لِلَّهِ الصَّلَوَاتُ لِلَّهِ الزَّاكِيَاتُ لِلَّهِ السَّلاَمُ عَلَى النَّبِيِّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ السَّلاَمُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ شَهِدْتُ أَنْ لاَ إِلَهَ إِلاَّ اللَّهُ شَهِدْتُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ . يَقُولُ هَذَا فِي الرَّكْعَتَيْنِ الأُولَيَيْنِ وَيَدْعُو إِذَا قَضَى تَشَهُّدَهُ بِمَا بَدَا لَهُ فَإِذَا جَلَسَ فِي آخِرِ صَلاَتِهِ تَشَهَّدَ كَذَلِكَ أَيْضًا إِلاَّ أَنَّهُ يُقَدِّمُ التَّشَهُّدَ ثُمَّ يَدْعُو بِمَا بَدَا لَهُ فَإِذَا قَضَى تَشَهُّدَهُ وَأَرَادَ أَنْ يُسَلِّمَ قَالَ السَّلاَمُ عَلَى النَّبِيِّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ . السَّلاَمُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ السَّلاَمُ عَلَيْكُمْ عَنْ يَمِينِهِ ثُمَّ يَرُدُّ عَلَى الإِمَامِ فَإِنْ سَلَّمَ عَلَيْهِ أَحَدٌ عَنْ يَسَارِهِ رَدَّ عَلَيْهِ .

Sunnah.com reference : Book 3, Hadith 57
USC-MSA web (English) reference : Book 3, Hadith 57
Arabic reference : Book 3, Hadith 204

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say in the tashahhud, "Greetings, good words, prayers, pure actions belong to Allah. I testify that there is no god except Allah, alone without partner, and that Muhammad is His slave and His Messenger. Peace be on you, Prophet, and the mercy of Allah and His blessings. Peace be on us and on the slaves of Allah who are salihun. Peace be upon you."

"At-tahiyatu, at- tayibatu, as-salawatu, az-zakiyatu lillah. Ash-hadu an la ilaha illa'llah, wahdahu la sharika lah wa anna Muhammadan abduhu wa rasuluhu. As-salamu alayka ayyuha-n-nabiyyu wa rahmatu-llahi wa barakatuhu. As-salamu alayna wa ala ibadi-llahi's-salihin. As-salamu alaykum."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا كَانَتْ تَقُولُ إِذَا تَشَهَّدَتِ التَّحِيَّاتُ الطَّيِّبَاتُ الصَّلَوَاتُ الزَّاكِيَاتُ لِلَّهِ أَشْهَدُ أَنْ لاَ إِلَهَ إِلاَّ اللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ . السَّلاَمُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ . السَّلاَمُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ السَّلاَمُ عَلَيْكُمْ .

Sunnah.com reference : Book 3, Hadith 58
USC-MSA web (English) reference : Book 3, Hadith 58
Arabic reference : Book 3, Hadith 205

Yahya related to me from Malik from Yahya ibn Said al-Ansari that al-Qasim ibn Muhammad ibn Muhammad told him that A'isha, the wife of the prophet, may Allah bless him and grant him peace, used to say in the tashahhud, "Greetings, good words, prayers, pure actions belong to Allah. I testify that there is no god except Allah, alone without partner, and I testify that Muhammad is the slave of Allah and His Messenger. Peace be upon you, Prophet, and the mercy of Allah and His blessings. Peace be upon us and on the slaves of Allah who are salihun . Peace be upon you . "

"At-tahiyatu, at-tayibatu, as- salawatu, az-zakiyatu lillah. Ash-hadu an la ilaha illa'llah, wahdahu la sharika llah wa ash-hadu anna Muhammadan abduhu wa rasuluhu. As- salamu alayka ayyuha-n-nabiyyu wa rahmatu-llahi wa barakatuhu. As- salamu alayna wa ala ibadi-llahi's-salihin. As-salamu alaykum."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ الأَنْصَارِيِّ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ أَخْبَرَهُ أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تَقُولُ إِذَا تَشَهَّدَتِ التَّحِيَّاتُ الطَّيِّبَاتُ الصَّلَوَاتُ الزَّاكِيَاتُ لِلَّهِ أَشْهَدُ أَنْ لاَ إِلَهَ إِلاَّ اللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُ اللَّهِ وَرَسُولُهُ السَّلاَمُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ السَّلاَمُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ السَّلاَمُ عَلَيْكُمْ ‏.‏

Sunnah.com reference : Book 3, Hadith 59
USC-MSA web (English) reference : Book 3, Hadith 59
Arabic reference : Book 3, Hadith 206

Yahya related to me from Malik that he asked Ibn Shihab and Nafi, the mawla of Ibn Umar, whether a man who joined an imam who had already done a raka should say the tashahhud with the imam in the second and fourth rakas, even though these were odd for him? They said, "He should say tashahhud with him."

Malik said, "That is the position with us."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ وَنَافِعًا مَوْلَى ابْنِ عُمَرَ عَنْ رَجُلٍ، دَخَلَ مَعَ الإِمَامِ فِي الصَّلاَةِ وَقَدْ سَبَقَهُ الإِمَامُ بِرَكْعَةٍ أَيَتَشَهَّدُ مَعَهُ فِي الرَّكْعَتَيْنِ وَالأَرْبَعِ وَإِنْ كَانَ ذَلِكَ لَهُ وِتْرًا فَقَالاَ لِيَتَشَهَّدْ مَعَهُ ‏.‏ قَالَ مَالِكٌ وَهُوَ الأَمْرُ عِنْدَنَا ‏.‏

Sunnah.com reference : Book 3, Hadith 60
USC-MSA web (English) reference : Book 3, Hadith 60
Arabic reference : Book 3, Hadith 207

Yahya related to me from Malik from Muhammad ibn Amr ibn AIqama from Malik ibn Abdullah as-Sadi that Abu Hurayra said, "The one who raises his head and lowers it before the imam - his forelock is in the hand of a shaytan."

Malik said, concerning someone who forgot and raised his head before the imam in ruku or sujud, "The sunna of that is to return to bowing or prostrating and not to wait for the imam to come up. What he has done is a mistake, because the Messenger of Allah, may Allah bless him and grant him peace, said, 'The imam is appointed to be followed as a leader, so do not oppose him.' Abu Hurayra said, 'The one who raises his head and lowers it before the imam - his forelock is in the hand of a shaytan.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ عَلْقَمَةَ، عَنْ مَلِيحِ بْنِ عَبْدِ اللَّهِ السَّعْدِيِّ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ الَّذِي يَرْفَعُ رَأْسَهُ وَيَخْفِضُهُ قَبْلَ الإِمَامِ فَإِنَّمَا نَاصِيَتُهُ بِيَدِ شَيْطَانٍ ‏.‏

Sunnah.com reference : Book 3, Hadith 61
USC-MSA web (English) reference : Book 3, Hadith 61
Arabic reference : Book 3, Hadith 208

Yahya related to me from Malik from Ayyub ibn Abi Tamima as- Sakhtayani from Muhammad ibn Sirin from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, finished the prayer after two rakas and Dhu'l-Yadayn said to him, "Has the prayer been shortened or have you forgotten, Messenger of Allah?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Has Dhu'l-Yadayn spoken the truth?" The people said, "Yes," and the Messenger of Allah, may Allah bless him and grant him peace, stood and prayed the other two rakas and then said, "Peace be upon you." Then he said, "Allah is greater" and went into a sadja as long as his usual prostrations or longer. Then he came up and said, "Allah is greater" and went into a sajda as long as his usual prostrations or longer and then came up.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ أَبِي تَمِيمَةَ السَّخْتِيَانِيِّ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم انْصَرَفَ مِنَ اثْنَتَيْنِ فَقَالَ لَهُ ذُو الْيَدَيْنِ أَقَصُرَتِ الصَّلاَةُ أَمْ نَسِيتَ يَا رَسُولَ اللَّهِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَصَدَقَ ذُو الْيَدَيْنِ " . فَقَالَ النَّاسُ نَعَمْ . فَقَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَصَلَّى رَكْعَتَيْنِ أُخْرَيَيْنِ ثُمَّ سَلَّمَ ثُمَّ كَبَّرَ فَسَجَدَ مِثْلَ سُجُودِهِ أَوْ أَطْوَلَ ثُمَّ رَفَعَ ثُمَّ كَبَّرَ فَسَجَدَ مِثْلَ سُجُودِهِ أَوْ أَطْوَلَ ثُمَّ رَفَعَ .

Sunnah.com reference : Book 3, Hadith 62
USC-MSA web (English) reference : Book 3, Hadith 62
Arabic reference : Book 3, Hadith 209

Yahya related to me from Malik from Da'ud ibn al-Husayn that Abu Sufyan, the mawla of Ibn Abi Ahmad, said that he heard Abu Hurayra say, "The Messenger of Allah, may Allah bless him and grant him peace, prayed asr and said the taslim after two rakas. Dhu'l-Yadayn stood up and said, 'Has the prayer been shortened, Messenger of Allah, or have you forgotten?' The Messenger of Allah, may Allah bless him and grant him peace, stood up and completed what remained of the prayer, and then, remaining sitting after saying the taslim, he made two prostrations."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنْ أَبِي سُفْيَانَ، مَوْلَى ابْنِ أَبِي أَحْمَدَ أَنَّهُ قَالَ سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ صَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم صَلاَةَ الْعَصْرِ فَسَلَّمَ فِي رَكْعَتَيْنِ فَقَامَ ذُو الْيَدَيْنِ فَقَالَ أَقَصُرَتِ الصَّلاَةُ يَا رَسُولَ اللَّهِ أَمْ نَسِيتَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " كُلُّ ذَلِكَ لَمْ يَكُنْ " . فَقَالَ قَدْ كَانَ بَعْضُ ذَلِكَ يَا رَسُولَ اللَّهِ . فَأَقْبَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَلَى النَّاسِ فَقَالَ " أَصَدَقَ ذُو الْيَدَيْنِ " . فَقَالُوا نَعَمْ . فَقَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَأَتَمَّ مَا بَقِيَ مِنَ الصَّلاَةِ ثُمَّ سَجَدَ سَجْدَتَيْنِ بَعْدَ التَّسْلِيمِ وَهُوَ جَالِسٌ .

Sunnah.com reference : Book 3, Hadith 63
USC-MSA web (English) reference : Book 3, Hadith 63
Arabic reference : Book 3, Hadith 210

Yahya related to me from Malik from Ibn Shihab that Abu Bakr ibn Sulayman ibn Abi Hathma said, "I have heard that the Messenger of Allah, may Allah bless him and grant him peace, prayed two rakas of one of the two day-ti me prayers, dhuhr or asr, and said the taslim after two rakas. Dhu'sh-Shamalayn said to him, 'Has the prayer been shortened, Messenger of Allah, or have you forgotten?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'The prayer has not been shortened and I have not forgotten.' Dhu'shShamalayn said, 'It was certainly one of those, Messenger of Allah.' The Messenger of Allah, may Allah bless him and grant him peace, approached the people and said, 'Has Dh u'sh-Shamalayn spoken the truth?' They said, 'Yes, Messenger of Allah,' and the Messenger of Allah, may Allah bless him and grant him peace, completed what remained of the prayer, and then said, 'Peace be upon you.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ سُلَيْمَانَ بْنِ أَبِي حَثْمَةَ، قَالَ بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم رَكَعَ رَكْعَتَيْنِ مِنْ إِحْدَى صَلاَتَىِ النَّهَارِ - الظُّهْرِ أَوِ الْعَصْرِ - فَسَلَّمَ مِنَ اثْنَتَيْنِ فَقَالَ لَهُ ذُو الشِّمَالَيْنِ أَقَصُرَتِ الصَّلاَةُ يَا رَسُولَ اللَّهِ أَمْ نَسِيتَ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا قَصُرَتِ الصَّلاَةُ وَمَا نَسِيتُ " . فَقَالَ ذُو الشِّمَالَيْنِ قَدْ كَانَ بَعْضُ ذَلِكَ يَا رَسُولَ اللَّهِ . فَأَقْبَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَلَى النَّاسِ فَقَالَ " أَصَدَقَ ذُو الْيَدَيْنِ " . فَقَالُوا نَعَمْ يَا رَسُولَ اللَّهِ . فَأَتَمَّ رَسُولُ اللَّهِ صلى الله عليه وسلم مَا بَقِيَ مِنَ الصَّلاَةِ ثُمَّ سَلَّمَ .

Sunnah.com reference : Book 3, Hadith 64
USC-MSA web (English) reference : Book 3, Hadith 64

Arabic reference : Book 3, Hadith 211

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab, and from Abu Salama ibn Abd ar-Rahman, the same as that.

Malik said, "Every forgetfulness which decreases from the prayer, prostrations for it come before the greeting, and every forgetfulness which is an addition to the prayer, prostrations for it come after the greeting."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَعَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، مِثْلَ ذَلِكَ . قَالَ مَالِكٌ كُلُّ سَهْوٍ كَانَ نُقْصَانًا مِنَ الصَّلاَةِ فَإِنَّ سُجُودَهُ قَبْلَ السَّلاَمِ وَكُلُّ سَهْوٍ كَانَ زِيَادَةً فِي الصَّلاَةِ فَإِنَّ سُجُودَهُ بَعْدَ السَّلاَمِ .

Sunnah.com reference : Book 3, Hadith 65
USC-MSA web (English) reference : Book 3, Hadith 65
Arabic reference : Book 3, Hadith 212

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "If you are uncertain in the prayer and do not know whether you have prayed three or four rakas, then pray a raka and make two prostrations from the sitting position before the taslim. If the raka that you prayed was the fifth, then you make it even by these two sajdas, and if it was the fourth, then the two prostrations spite Shaytan."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا شَكَّ أَحَدُكُمْ فِي صَلاَتِهِ فَلَمْ يَدْرِ كَمْ صَلَّى أَثَلاَثًا أَمْ أَرْبَعًا فَلْيُصَلِّ رَكْعَةً وَلْيَسْجُدْ سَجْدَتَيْنِ وَهُوَ جَالِسٌ قَبْلَ التَّسْلِيمِ فَإِنْ كَانَتِ الرَّكْعَةُ الَّتِي صَلَّى خَامِسَةً شَفَعَهَا بِهَاتَيْنِ السَّجْدَتَيْنِ وَإِنْ كَانَتْ رَابِعَةً فَالسَّجْدَتَانِ تَرْغِيمٌ لِلشَّيْطَانِ " .

Sunnah.com reference : Book 3, Hadith 66
USC-MSA web (English) reference : Book 3, Hadith 66
Arabic reference : Book 3, Hadith 213

Yahya related to me from Malik from Umar ibn Muhammad ibn Zayd from Salim ibn Abdullah that Abdullah ibn Umar used to say, "If you are uncertain in the prayer, estimate what you think you have forgotten of the prayer and repeat it, then do the two sajdas of forgetfulness from the sitting position."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عُمَرَ بْنِ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ إِذَا شَكَّ أَحَدُكُمْ فِي صَلاَتِهِ فَلْيَتَوَخَّ الَّذِي يَظُنُّ أَنَّهُ نَسِيَ مِنْ صَلاَتِهِ فَلْيُصَلِّهِ ثُمَّ لِيَسْجُدْ سَجْدَتَىِ السَّهْوِ وَهُوَ جَالِسٌ .

Sunnah.com reference : Book 3, Hadith 67
USC-MSA web (English) reference : Book 3, Hadith 67
Arabic reference : Book 3, Hadith 214

Yahya related to me from Malik from Afif ibn Amr as-Sahmi that Ata ibn Yasar said, "I asked Abdullah ibn Amr ibn al-As and Kab al Ahbar about someone who was uncertain in his prayer, and did not know whether he had prayed three or four rakas. Both of them said, 'He should pray another raka and then do two sajdas from the sitting position.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَفِيفِ بْنِ عَمْرٍو السَّهْمِيِّ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّهُ قَالَ سَأَلْتُ عَبْدَ اللَّهِ بْنَ عَمْرِو بْنِ الْعَاصِ وَكَعْبَ الأَحْبَارِ عَنِ الَّذِي، يَشُكُّ فِي صَلاَتِهِ فَلاَ يَدْرِي كَمْ صَلَّى أَثَلاَثًا أَمْ أَرْبَعًا فَكِلاَهُمَا قَالَ لِيُصَلِّ رَكْعَةً أُخْرَى ثُمَّ لِيَسْجُدْ سَجْدَتَيْنِ وَهُوَ جَالِسٌ .

Sunnah.com reference : Book 3, Hadith 68
USC-MSA web (English) reference : Book 3, Hadith 68
Arabic reference : Book 3, Hadith 215

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, when questioned about forgetfulness in the prayer, said, "If you think that you have forgotten part of the prayer, then pray it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا سُئِلَ عَنِ النِّسْيَانِ، فِي الصَّلاَةِ قَالَ لِيَتَوَخَّ أَحَدُكُمُ الَّذِي يَظُنُّ أَنَّهُ نَسِيَ مِنْ صَلاَتِهِ فَلْيُصَلِّهِ .

Sunnah.com reference : Book 3, Hadith 69
USC-MSA web (English) reference : Book 3, Hadith 69
Arabic reference : Book 3, Hadith 216

Yahya related to me from Malik from Ibn Shihab from al-Araj that Abdullah ibn Buhayna said, "The Messenger of Allah, may Allah bless him and grant him peace, prayed two rakas with us and then stood without sitting and the people stood with him. When he had finished the prayerand we had seen him say the taslim, he said 'Allah is greater' and did two sajdas from the sitting position and then said the taslim again."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ الأَعْرَجِ، عَنْ عَبْدِ اللَّهِ ابْنِ بُحَيْنَةَ، أَنَّهُ قَالَ صَلَّى لَنَا رَسُولُ اللَّهِ صلى الله عليه وسلم رَكْعَتَيْنِ ثُمَّ قَامَ فَلَمْ يَجْلِسْ فَقَامَ النَّاسُ مَعَهُ فَلَمَّا قَضَى صَلاَتَهُ وَنَظَرْنَا تَسْلِيمَهُ كَبَّرَ ثُمَّ سَجَدَ سَجْدَتَيْنِ وَهُوَ جَالِسٌ قَبْلَ التَّسْلِيمِ ثُمَّ سَلَّمَ .

Sunnah.com reference : Book 3, Hadith 70
USC-MSA web (English) reference : Book 3, Hadith 70
Arabic reference : Book 3, Hadith 217

Yahya related to me from Malik from Yahya ibn Said from Abd ar- Rahman ibn Hurmuz that Abdullah ibn Buhayna said, "The Messengerof Allah, may Allah bless him and grant him peace, prayed dhuhr with us and he stood straight up after two rakas without sitting. When he had finished the prayer, he did two sajdas and then said the taslim after that."

Malik said, concerning someone who forgot in his prayer and stood up after he had completed four rakas and recited and then went into ruku and then, when he raised his head from ruku, remembered that he had already completed (his prayer), "He returns to a sitting position and does not do any sajda. If he has already done one sajda I do not think he should do the other. Then when his prayer is finished he does two sajdas from the sitting position after saying the taslim."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمُزَ، عَنْ عَبْدِ اللَّهِ ابْنِ بُحَيْنَةَ، أَنَّهُ قَالَ صَلَّى لَنَا رَسُولُ اللَّهِ صلى الله عليه وسلم الظُّهْرَ فَقَامَ فِي اثْنَتَيْنِ وَلَمْ يَجْلِسْ فِيهِمَا فَلَمَّا قَضَى صَلاَتَهُ سَجَدَ سَجْدَتَيْنِ ثُمَّ سَلَّمَ بَعْدَ ذَلِكَ .

Sunnah.com reference : Book 3, Hadith 71
USC-MSA web (English) reference : Book 3, Hadith 71
Arabic reference : Book 3, Hadith 218

Yahya related to me from Malik from AIqama ibn Abi AIqama from his mother that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Abu Jahm ibn Hudhayfa gave the Messenger of Allah, may Allah bless him and grant him peace, a fine striped garment from Syria and he did the prayer in it. When he had finished he said, 'Give this garment back to Abu Jahm. I lookedat its stripes in the prayer and they almost distracted me.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَلْقَمَةَ بْنِ أَبِي عَلْقَمَةَ، عَنْ أُمِّهِ، أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم قَالَتْ أَهْدَى أَبُو جَهْمِ بْنُ حُذَيْفَةَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم خَمِيصَةً شَامِيَّةً لَهَا عَلَمٌ فَشَهِدَ فِيهَا الصَّلاَةَ فَلَمَّا انْصَرَفَ قَالَ " رُدِّي هَذِهِ الْخَمِيصَةَ إِلَى أَبِي جَهْمٍ فَإِنِّي نَظَرْتُ إِلَى عَلَمِهَا فِي الصَّلاَةِ فَكَادَ يَفْتِنُنِي " .

Sunnah.com reference : Book 3, Hadith 72
USC-MSA web (English) reference : Book 3, Hadith 72
Arabic reference : Book 3, Hadith 219

Malik related to me from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, wore a fine striped garment f rom Syria, and then gave it to Abu Jahm and took a plain, rough, garment in return. Abu Jahm asked, "Messenger of Allah! Why?" He said, "I looked at its stripes in the prayer."

وَحَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم لَبِسَ خَمِيصَةً شَامِيَّةً لَهَا عَلَمٌ ثُمَّ أَعْطَاهَا أَبَا جَهْمٍ وَأَخَذَ مِنْ أَبِي جَهْمٍ أَنْبِجَانِيَّةً لَهُ فَقَالَ يَا رَسُولَ اللَّهِ وَلِمَ فَقَالَ " إِنِّي نَظَرْتُ إِلَى عَلَمِهَا فِي الصَّلاَةِ " .

Sunnah.com reference : Book 3, Hadith 73
USC-MSA web (English) reference : Book 3, Hadith 73
Arabic reference : Book 3, Hadith 220

Malik related to me from Abdullah ibn Abi Bakr that Abu Talha al- Ansari was praying in his garden when a wild pigeon flew in and began to fly to and fro trying to find a way out. The sight was pleasing to him and he let his eyes follow the bird for a time and then he went back to his prayer but could not remember how much he had prayed. He said, "A trial has befallen me in this property of mine." So he came to the Messenger of Allah, may Allah bless him and grant him peace, and mentioned the trial that had happened to him in his garden and said, "Messenger of Allah, it is a sadaqa for Allah, so dispose of it wherever you wish."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، أَنَّ أَبَا طَلْحَةَ الأَنْصَارِيَّ، كَانَ يُصَلِّي فِي حَائِطِهِ فَطَارَ دُبْسِيٌّ فَطَفِقَ يَتَرَدَّدُ يَلْتَمِسُ مَخْرَجًا فَأَعْجَبَهُ ذَلِكَ فَجَعَلَ يُتْبِعُهُ بَصَرَهُ سَاعَةً ثُمَّ رَجَعَ إِلَى صَلاَتِهِ فَإِذَا هُوَ لاَ يَدْرِي كَمْ صَلَّى فَقَالَ لَقَدْ أَصَابَتْنِي فِي مَالِي هَذَا فِتْنَةٌ . فَجَاءَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَذَكَرَ لَهُ الَّذِي أَصَابَهُ فِي حَائِطِهِ مِنَ الْفِتْنَةِ وَقَالَ يَا رَسُولَ اللَّهِ هُوَ صَدَقَةٌ لِلَّهِ فَضَعْهُ حَيْثُ شِئْتَ .

Sunnah.com reference : Book 3, Hadith 74
USC-MSA web (English) reference : Book 3, Hadith 74
Arabic reference : Book 3, Hadith 221

Yahya related to me from Malik from Abdullah ibn Abi Bakr that a man from the Ansar was praying in a garden of his in Quff, one of the valleys of Madina, during the date season and the palms' branches were weighed down with fruit on all sides. He looked at them and what he saw of their fruits amazed him. Then he went back to his prayer and he did not know how much he had prayed. He said, "A trial has befallen me in this property of mine." So he went toUthman ibn Affan, who was the khalifa at the time, and mentioned it to him and said, "It is sadaqa, so give it away in the paths of good." Uthman ibn Affan sold it for fifty thousand and so that property became known as the Fifty.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، أَنَّ رَجُلاً، مِنَ الأَنْصَارِ كَانَ يُصَلِّي فِي حَائِطٍ لَهُ بِالْقُفِّ - وَادٍ مِنْ أَوْدِيَةِ الْمَدِينَةِ - فِي زَمَانِ الثَّمَرِ وَالنَّخْلُ قَدْ ذُلِّلَتْ فَهِيَ مُطَوَّقَةٌ بِثَمَرِهَا فَنَظَرَ إِلَيْهَا فَأَعْجَبَهُ مَا رَأَى مِنْ ثَمَرِهَا ثُمَّ رَجَعَ إِلَى صَلاَتِهِ فَإِذَا هُوَ لاَ يَدْرِي

كَمْ صَلَّى فَقَالَ لَقَدْ أَصَابَتْنِي فِي مَالِي هَذَا فِتْنَةٌ . فَجَاءَ عُثْمَانَ بْنَ عَفَّانَ - وَهُوَ يَوْمَئِذٍ خَلِيفَةٌ - فَذَكَرَ لَهُ ذَلِكَ وَقَالَ هُوَ صَدَقَةٌ فَاجْعَلْهُ فِي سُبُلِ الْخَيْرِ . فَبَاعَهُ عُثْمَانُ بْنُ عَفَّانَ بِخَمْسِينَ أَلْفًا فَسُمِّيَ ذَلِكَ الْمَالُ الْخَمْسِينَ .

Sunnah.com reference : Book 3, Hadith 75
USC-MSA web (English) reference : Book 3, Hadith 75
Arabic reference : Book 3, Hadith 222

4 - Forgetfulness in Prayer كتاب السهو

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abdar-Rahman ibn Awf from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you stand in prayer, Shaytan comes to you and confuses you until you do not know how much you have prayed. If you find that happening do two sajdas from the sitting position."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّ أَحَدَكُمْ إِذَا قَامَ يُصَلِّي جَاءَهُ الشَّيْطَانُ فَلَبَسَ عَلَيْهِ حَتَّى لاَ يَدْرِي كَمْ صَلَّى فَإِذَا وَجَدَ ذَلِكَ أَحَدُكُمْ فَلْيَسْجُدْ سَجْدَتَيْنِ وَهُوَ جَالِسٌ " .

Sunnah.com reference : Book 4, Hadith 1
USC-MSA web (English) reference : Book 4, Hadith 1
Arabic reference : Book 4, Hadith 223

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "I forget or I am made to forget so that I may establish the sunna."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنِّي لأَنْسَى أَوْ أُنَسَّى لأَسُنَّ " .

Sunnah.com reference : Book 4, Hadith 2
USC-MSA web (English) reference : Book 4, Hadith 2
Arabic reference : Book 4, Hadith 224

Yahya related to me from Malik that he had heard that a man questioned al-Qasim ibn Muhammad saying, "My imagination works in the prayer, and it happens to me a lot." Al-Qasim ibn Muhammad said, "Go on with your prayer, for it will not go away from you until you go away saying, 'I have not completed my prayer.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، سَأَلَ الْقَاسِمَ بْنَ مُحَمَّدٍ فَقَالَ إِنِّي أَهِمُ فِي صَلاَتِي فَيَكْثُرُ ذَلِكَ عَلَىَّ . فَقَالَ الْقَاسِمُ بْنُ مُحَمَّدٍ امْضِ فِي صَلاَتِكَ فَإِنَّهُ لَنْ يَذْهَبَ عَنْكَ حَتَّى تَنْصَرِفَ وَأَنْتَ تَقُولُ مَا أَتْمَمْتُ صَلاَتِي .

Sunnah.com reference : Book 4, Hadith 3
USC-MSA web (English) reference : Book 4, Hadith 3
Arabic reference : Book 4, Hadith 225

5 - Jumu'a كتاب الجمعة

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, from Abu Salih as-Sammani from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If someone does ghusl for major ritual impurity on the day of jumua and then goes in the first part of the time, it is as if he had offered up a camel. If he goes in the second part of the time, it is as if he had offered up a cow. If he goes in the third part of the time, it is as if he had offered up a horned ram. If he goes in the fourth part of the time, it is as if he had offered up a hen. If he goes in the fifth part of the time, it is as if he had offered up an egg. And when the imam comes out, the angels settle down listening to the dhikr (remembrance of Allah)."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنِ اغْتَسَلَ يَوْمَ الْجُمُعَةِ غُسْلَ الْجَنَابَةِ ثُمَّ رَاحَ فِي السَّاعَةِ الأُولَى فَكَأَنَّمَا قَرَّبَ بَدَنَةً وَمَنْ رَاحَ فِي السَّاعَةِ الثَّانِيَةِ فَكَأَنَّمَا قَرَّبَ بَقَرَةً وَمَنْ رَاحَ فِي السَّاعَةِ الثَّالِثَةِ فَكَأَنَّمَا قَرَّبَ كَبْشًا أَقْرَنَ وَمَنْ رَاحَ فِي السَّاعَةِ الرَّابِعَةِ فَكَأَنَّمَا قَرَّبَ دَجَاجَةً وَمَنْ رَاحَ فِي السَّاعَةِ الْخَامِسَةِ فَكَأَنَّمَا قَرَّبَ بَيْضَةً فَإِذَا خَرَجَ الإِمَامُ حَضَرَتِ الْمَلاَئِكَةُ يَسْتَمِعُونَ الذِّكْرَ " .

USC-MSA web (English) reference : Book 5, Hadith 1
Arabic reference : Book 5, Hadith 226

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi that Abu Hurayra used to say, "Doing ghusl as prescribed for major ritual impurity is incumbent (wajib) on the day of jumua on every male who has reached puberty."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ كَانَ يَقُولُ غُسْلُ يَوْمِ الْجُمُعَةِ وَاجِبٌ عَلَى كُلِّ مُحْتَلِمٍ كَغُسْلِ الْجَنَابَةِ .

USC-MSA web (English) reference : Book 5, Hadith 2
Arabic reference : Book 5, Hadith 227

Yahya related to me from Malik from Ibn Shihab that Salim ibn Abdullah said, "One of the companions of the Messenger of Allah, may Allah bless him and grant him peace, came into the mosque on the day of jumua and Umar ibn al Khattab was already giving the khutba. Umar said, 'What (kind of) time is this (to arrive)?' He said, Amir al-muminin, I returned from the market and heard the call to prayer, so I did no more than do wudu.' Umar said, 'You only did wudu as well? You know that the Messenger of Allah, may Allah bless him and grant him peace, used to tell people to do ghusl.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ قَالَ دَخَلَ رَجُلٌ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم الْمَسْجِدَ يَوْمَ الْجُمُعَةِ وَعُمَرُ بْنُ الْخَطَّابِ يَخْطُبُ فَقَالَ عُمَرُ أَيَّةُ سَاعَةٍ هَذِهِ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ انْقَلَبْتُ مِنَ السُّوقِ فَسَمِعْتُ النِّدَاءَ فَمَا زِدْتُ عَلَى أَنْ تَوَضَّأْتُ . فَقَالَ عُمَرُ وَالْوُضُوءَ أَيْضًا وَقَدْ عَلِمْتَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَأْمُرُ بِالْغُسْلِ .

USC-MSA web (English) reference : Book 5, Hadith 3
Arabic reference : Book 5, Hadith 228

Yahya related to me from Malik from Safwan ibn Sulaym from Ata ibn Yasar from Abu Said al-Khudri that the Messenger of Allah, may Allah bless him and grant him peace, said, "Ghusl on the day of jumua is incumbent on every male who has reached puberty."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ صَفْوَانَ بْنِ سُلَيْمٍ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " غُسْلُ يَوْمِ الْجُمُعَةِ وَاجِبٌ عَلَى كُلِّ مُحْتَلِمٍ " .

USC-MSA web (English) reference : Book 5, Hadith 4
Arabic reference : Book 5, Hadith 229

Yahya related to me from Malik from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you come to jumua, do ghusl."

Malik said, "It is not enough for someone to do a ghusl on the day of jumua and intend by it the ghusl for jumua unless he does the ghusl and then sets off. That is because the Messenger of Allah, may Allah bless him and grant him peace, said in the hadith related by Ibn Umar, 'When you come to jumua, do ghusl .' "
Malik said, "If someone does ghusl on the day of jumua and intends by it the ghusl of the day of jumua and then sets out, whether early or late, and does something which breaks his wudu, he only has to do wudu and his ghusl remains valid for him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا جَاءَ أَحَدُكُمُ الْجُمُعَةَ فَلْيَغْتَسِلْ " .

USC-MSA web (English) reference : Book 5, Hadith 5
Arabic reference : Book 5, Hadith 230

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Even saying to your companion 'Listen' while the imam is giving the khutba on the day of jumua, is to speak foolishly."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا قُلْتَ لِصَاحِبِكَ أَنْصِتْ وَالإِمَامُ يَخْطُبُ يَوْمَ الْجُمُعَةِ فَقَدْ لَغَوْتَ " .

USC-MSA web (English) reference : Book 5, Hadith 6
Arabic reference : Book 5, Hadith 231

Yahya related to me from Malik from Ibn Shihab that Thalaba ibn Abi Malik al Quradhi informed him that in the time of Umar ibn al Khattab they used to pray on the day of jumua until Umar came out, and when Umar came out and sat on the mimbar and the muadhdhins called the adhan, they would sit and talk, and then when the muadhdhins were silent and Umar stood to give the khutba, they would pay attention and no-one would speak .

Ibn Shihab said, "The imam coming out stops prayer and his speaking stops conversation."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ ثَعْلَبَةَ بْنِ أَبِي مَالِكٍ الْقُرَظِيِّ، أَنَّهُ أَخْبَرَهُ أَنَّهُمْ، كَانُوا فِي زَمَانِ عُمَرَ بْنِ الْخَطَّابِ يُصَلُّونَ يَوْمَ الْجُمُعَةِ حَتَّى يَخْرُجَ عُمَرُ فَإِذَا خَرَجَ عُمَرُ وَجَلَسَ عَلَى الْمِنْبَرِ وَأَذَّنَ الْمُؤَذِّنُونَ - قَالَ ثَعْلَبَةُ - جَلَسْنَا نَتَحَدَّثُ فَإِذَا سَكَتَ الْمُؤَذِّنُونَ وَقَامَ عُمَرُ يَخْطُبُ أَنْصَتْنَا فَلَمْ يَتَكَلَّمْ مِنَّا أَحَدٌ . قَالَ ابْنُ شِهَابٍ فَخُرُوجُ الإِمَامِ يَقْطَعُ الصَّلاَةَ وَكَلاَمُهُ يَقْطَعُ الْكَلاَمَ .

USC-MSA web (English) reference : Book 5, Hadith 7
Arabic reference : Book 5, Hadith 232

Yahya related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Ubaydullah, from Malik ibn Abi Amir that Uthman ibn Affan used to say in khutbas, and he would seldom omit it if he was giving the khutba, "When the imam stands delivering the khutba on the day of jumua, listen and pay attention, for there is the same portion for someone who pays attention but cannot hear as for someone who pays attention and hears. And when the iqama of the prayer is called, straighten your rows and make your shoulders adjacent to each other, because the straightening of the rows is part of the completion of the prayer." Then he would not say the takbir until some men who had been entrusted with straightening the rows came and told him that they were straight. Then he would say the takbir.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ مَالِكِ بْنِ أَبِي عَامِرٍ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، كَانَ يَقُولُ فِي خُطْبَتِهِ قَلَّمَا يَدَعُ ذَلِكَ إِذَا خَطَبَ إِذَا قَامَ الإِمَامُ يَخْطُبُ يَوْمَ الْجُمُعَةِ فَاسْتَمِعُوا وَأَنْصِتُوا فَإِنَّ لِلْمُنْصِتِ الَّذِي لاَ يَسْمَعُ مِنَ الْحَظِّ مِثْلَ مَا لِلْمُنْصِتِ السَّامِعِ فَإِذَا قَامَتِ الصَّلاَةُ فَاعْدِلُوا الصُّفُوفَ وَحَاذُوا بِالْمَنَاكِبِ فَإِنَّ اعْتِدَالَ الصُّفُوفِ مِنْ تَمَامِ الصَّلاَةِ . ثُمَّ لاَ يُكَبِّرُ حَتَّى يَأْتِيَهُ رِجَالٌ قَدْ وَكَّلَهُمْ بِتَسْوِيَةِ الصُّفُوفِ فَيُخْبِرُونَهُ أَنْ قَدِ اسْتَوَتْ فَيُكَبِّرُ .

USC-MSA web (English) reference : Book 5, Hadith 8
Arabic reference : Book 5, Hadith 233

Yahya related to me from Malik from Nafi that Abdullah ibn Umar saw two men talking while the imam was giving the khutba on the day of jumua and he threw pebbles at them to tell them to be quiet.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، رَأَى رَجُلَيْنِ يَتَحَدَّثَانِ وَالإِمَامُ يَخْطُبُ يَوْمَ الْجُمُعَةِ فَحَصَبَهُمَا أَنِ اصْمُتَا .

USC-MSA web (English) reference : Book 5, Hadith 9
Arabic reference : Book 5, Hadith 234

Yahya related to me from Malik that he had heard that a man sneezed on the day of jumua while the imam was giving the khutba, and a man by his side asked Allah to bless him. Said ibn al Musayyab was asked about it and he forbade the man to do what he had done and said, "Don't do it again."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، عَطَسَ يَوْمَ الْجُمُعَةِ وَالإِمَامُ يَخْطُبُ فَشَمَّتَهُ إِنْسَانٌ إِلَى جَنْبِهِ فَسَأَلَ عَنْ ذَلِكَ سَعِيدَ بْنَ الْمُسَيَّبِ فَنَهَاهُ عَنْ ذَلِكَ وَقَالَ لاَ تَعُدْ .

USC-MSA web (English) reference : Book 5, Hadith 10
Arabic reference : Book 5, Hadith 235

Yahya related to me from Malik that he asked Ibn Shihab about talking in the jumua after the imam had come down from the mimbar but before he had said the takbir. Ibn Shihab said, "There is no harm in that."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ الْكَلاَمِ، يَوْمَ الْجُمُعَةِ إِذَا نَزَلَ الإِمَامُ عَنِ الْمِنْبَرِ، قَبْلَ أَنْ يُكَبِّرَ . فَقَالَ ابْنُ شِهَابٍ لاَ بَأْسَ بِذَلِكَ .

USC-MSA web (English) reference : Book 5, Hadith 11
Arabic reference : Book 5, Hadith 236

Yahya related to me from Malik that Ibn Shihab used to say, "Some one who catches a raka of the jumua prayer should pray another one with it." Ibn Shihab said, "That is the sunna."

Malik said, "I saw the people of knowledge in our city doing that. That is because the Messenger of Allah, may Allah bless him and grant him peace, said, 'Whoever catches a raka of the prayer has caught the prayer.' "
Malik said, concerning some one who was in a crowd on the day of jumua and did the ruku but was not able to go into sajda until the imam had risen or finished his prayer, "If he is able to do the sajda and has already done the ruku then he should do the sajda when the people stand up. If he is unable to do thesajda until after the imam has finished the prayer, then I prefer that he begins the prayeragain and does the four rakas of dhuhr."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ كَانَ يَقُولُ مَنْ أَدْرَكَ مِنْ صَلاَةِ الْجُمُعَةِ رَكْعَةً فَلْيُصَلِّ إِلَيْهَا أُخْرَى . قَالَ ابْنُ شِهَابٍ وَهِيَ السُّنَّةُ . قَالَ مَالِكٌ وَعَلَى ذَلِكَ أَدْرَكْتُ أَهْلَ الْعِلْمِ بِبَلَدِنَا وَذَلِكَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ أَدْرَكَ مِنَ الصَّلاَةِ رَكْعَةً فَقَدْ أَدْرَكَ الصَّلاَةَ " . قَالَ مَالِكٌ فِي الَّذِي يُصِيبُهُ زِحَامٌ يَوْمَ الْجُمُعَةِ فَيَرْكَعُ وَلاَ يَقْدِرُ عَلَى أَنْ يَسْجُدَ حَتَّى يَقُومَ الإِمَامُ أَوْ يَفْرُغَ الإِمَامُ مِنْ صَلاَتِهِ إِنَّهُ إِنْ قَدَرَ عَلَى أَنْ يَسْجُدَ إِنْ كَانَ قَدْ رَكَعَ فَلْيَسْجُدْ إِذَا قَامَ النَّاسُ وَإِنْ لَمْ يَقْدِرْ عَلَى أَنْ يَسْجُدَ حَتَّى يَفْرُغَ الإِمَامُ مِنْ صَلاَتِهِ فَإِنَّهُ أَحَبُّ إِلَىَّ أَنْ يَبْتَدِئَ صَلاَتَهُ ظُهْرًا أَرْبَعًا .

USC-MSA web (English) reference : Book 5, Hadith 12
Arabic reference : Book 5, Hadith 237

Malik said, "Someone who has a nosebleed on the day of jumua while the imam is giving the khutba and he leaves and does not come back until the imam has finished the prayer, should pray four rakas."

Malik said that someone who prayed a raka with the imam on the day of jumua, then had a nosebleed and left and came back and the imam had prayed both rakas, should complete the prayer with another raka as long as he had not spoken.
Malik said, "If some one has a nosebleed, or something happens to him and he has no alternative but to leave, he does not have to ask permission of the imam if he wants to leave on the day of jumua."
USC-MSA web (English) reference : Book 5, Hadith 13

Yahya related to me from Malik that he had asked Ibn Shihab about the word of Allah, the Majestic, the Mighty, "O you who accept, when the call is made for the prayer on the day of jumua, make haste to the remembrance of Allah."(Sura 62 ayat 9). Ibn Shihab said, "Umar ibn al-Khattab used to recite, 'When the call is made for the prayer on the day of jumua, go to the remembrance of Allah.' "

Malik said, "Making haste in the Book of Allah is only deed and action. Allah the Blessed, the Exalted, says 'and when he turns away, he acts in the land' (Sura 2 ayat 205), and He, the Exalted, said, 'and as for the one who comes to you acting with fear' (Sura 80 ayat 8), and He said, 'then he turned his back, and acted' (Sura 79 ayat 22),and He said, 'Your deeds are diverse' " (Sura 92 ayat 4). Malik said, "Thus making haste which Allah mentions in His Book is not running on the feet or exertion. It only means deed and actions."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنْ قَوْلِ اللَّهِ، عَزَّ وَجَلَّ {يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلاَةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ} فَقَالَ ابْنُ شِهَابٍ كَانَ عُمَرُ بْنُ الْخَطَّابِ يَقْرَؤُهَا إِذَا نُودِيَ لِلصَّلاَةِ مِنْ يَوْمِ الْجُمُعَةِ فَامْضُوا إِلَى ذِكْرِ اللَّهِ . قَالَ مَالِكٌ وَإِنَّمَا السَّعْىُ فِي كِتَابِ اللَّهِ الْعَمَلُ وَالْفِعْلُ يَقُولُ اللَّهُ تَبَارَكَ وَتَعَالَى {وَإِذَا تَوَلَّى سَعَى فِي الأَرْضِ} وَقَالَ تَعَالَى {وَأَمَّا مَنْ جَاءَكَ يَسْعَى وَهُوَ يَخْشَى} وَقَالَ {ثُمَّ أَدْبَرَ يَسْعَى} وَقَالَ {إِنَّ سَعْيَكُمْ لَشَتَّى} قَالَ مَالِكٌ فَلَيْسَ السَّعْىُ الَّذِي ذَكَرَ اللَّهُ فِي كِتَابِهِ بِالسَّعْىِ عَلَى الأَقْدَامِ وَلاَ الاِشْتِدَادَ وَإِنَّمَا عَنَى الْعَمَلَ وَالْفِعْلَ .

USC-MSA web (English) reference : Book 5, Hadith 14
Arabic reference : Book 5, Hadith 238

Malik said, "If the imam stops off on a journey in a town where jumua is obligatory and he gives a khutba and takes the jumua prayer for them, then the people of the town and any other people present do the jumua prayer with him."

Malik said, "If the imam gathers people for prayer while he is travelling in a town where the jumua prayer is not obligatory, then there is no jumua for him, nor for the people of the town, nor for anyone else who joins them for the prayer in congregation, and the people of the town and anyone else who is not travelling should complete the prayer."
Malik added, "A traveller does not have to do jumua "
USC-MSA web (English) reference : Book 5, Hadith 15

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, mentioned the day of jumua and said, "There is a time in it when Allah gives to a muslim slave standing in prayer whatever he asks for," and the Messenger of Allah, may Allah bless him and grant him peace, indicated with his hand how small it was.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم ذَكَرَ يَوْمَ الْجُمُعَةِ فَقَالَ " فِيهِ سَاعَةٌ لاَ يُوَافِقُهَا عَبْدٌ مُسْلِمٌ وَهُوَ قَائِمٌ يُصَلِّي يَسْأَلُ اللَّهَ شَيْئًا إِلاَّ أَعْطَاهُ إِيَّاهُ " . وَأَشَارَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِيَدِهِ يُقَلِّلُهَا .

USC-MSA web (English) reference : Book 5, Hadith 16
Arabic reference : Book 5, Hadith 239

Yahya related to me from Malik from Yazid ibn Abdullah ibn al-Had from Muhammad ibn Ibrahim ibn al-Harith at-Taymi from Abu Salama ibn Abd ar-Rahman ibn Awf that Abu Hurayra said, "I went out to at-Tur (Mount Sinai) and met Kab al Ahbar and sat with him. He related to me things from the Tawrah and I related to him things from the Messenger of Allah, may Allah bless him and grant him peace. Among the things I related to him was that the Messenger of Allah, may Allah bless him and grant him peace, said, 'The best of days on which the sun rises is the day of jumua. In it Adam was created, and in it he fell from the Garden. In it he was forgiven, and in it he died. In it the Hour occurs, and every moving thing listens from morning till sunset in apprehension of the Hour except jinn and men. In it is a time when Allah gives toa muslim slave standing in prayer whatever he asks for.' Kab said, 'That is one day in every year.' I said, 'No, in every jumua.' Then Kab recited the Tawrah and said, 'The Messenger of Allah has spoken the truth.' "
Abu Hurayra continued, "I met Basra ibn Abi Basra al-Ghiffari and he said, 'Where have you come from?' I said, 'From at-Tur.' He said, 'If I had seen you before you left, you would not have gone. I heard the Messenger of Allah, may Allah bless him and grant him peace, say, "Only make a special journey to three mosques:

the mosque of the Haram (Makka), this mosque (Madina), and the mosque of Ilya or the Bait al-Maqdis (two names of Jerusalem)." ' " (He was not sure which expression was used.)

Abu Hurayra continued, "Then I met Abdullah ibn Salam and I told him that I had sat with Kabal-Ahbar, and I mentioned what I had related to him about the day of jumua, and told him that Kab had said, 'That is one day in every year.' Abdullah ibn Salam said, 'Kab lied,' and I added, 'Kab then recited the Tawrah and said, "No, it is in every jumua." ' Abdullah ibn Salam said, 'Kab spoke the truth. 'Then Abdullah ibn Salam said, 'I know what time that is.' "
Abu Hurayra continued, "I said to him, 'Let me know it - don't keep it from me.' Abdullah ibn Salam said, 'It is the last period of time in the dayof jumua.' "

Abu Hurayra continued, "I said, 'How can it be the last period of time in the day of jumua, when the Messenger of Allah, may Allah bless him and grant him peace, said, "a muslim slave standing in prayer", and that is a time when there is no prayer?' Abdullah ibn Salam replied, 'Didn't the Messenger of Allah, may Allah bless him and grant him peace, say, "Whoever sits waiting for the prayer is in prayer until he prays?" "'
Abu Hurayra added, "I said, 'Of course.' He said, 'Then it is that.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ خَرَجْتُ إِلَى الطُّورِ فَلَقِيتُ كَعْبَ الأَحْبَارِ فَجَلَسْتُ مَعَهُ فَحَدَّثَنِي عَنِ التَّوْرَاةِ وَحَدَّثْتُهُ عَنْ رَسُولِ اللَّهِ صلى الله عليه وسلم فَكَانَ فِيمَا حَدَّثْتُهُ أَنْ قُلْتُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " خَيْرُ يَوْمٍ طَلَعَتْ عَلَيْهِ الشَّمْسُ يَوْمُ الْجُمُعَةِ فِيهِ خُلِقَ آدَمُ وَفِيهِ أُهْبِطَ مِنَ الْجَنَّةِ وَفِيهِ تِيبَ عَلَيْهِ وَفِيهِ مَاتَ وَفِيهِ تَقُومُ السَّاعَةُ وَمَا مِنْ دَابَّةٍ إِلاَّ وَهِيَ مُصِيخَةٌ يَوْمَ الْجُمُعَةِ مِنْ حِينِ تُصْبِحُ حَتَّى تَطْلُعَ الشَّمْسُ شَفَقًا مِنَ السَّاعَةِ إِلاَّ الْجِنَّ وَالإِنْسَ وَفِيهِ سَاعَةٌ لاَ يُصَادِفُهَا عَبْدٌ مُسْلِمٌ وَهُوَ يُصَلِّي يَسْأَلُ اللَّهَ شَيْئًا إِلاَّ أَعْطَاهُ إِيَّاهُ " . قَالَ كَعْبٌ ذَلِكَ فِي كُلِّ سَنَةٍ يَوْمٌ . فَقُلْتُ بَلْ فِي كُلِّ جُمُعَةٍ . فَقَرَأَ كَعْبٌ التَّوْرَاةَ فَقَالَ صَدَقَ رَسُولُ اللَّهِ صلى الله عليه وسلم . قَالَ أَبُو هُرَيْرَةَ فَلَقِيتُ بَصْرَةَ بْنَ أَبِي بَصْرَةَ الْغِفَارِيَّ فَقَالَ مِنْ أَيْنَ أَقْبَلْتَ فَقُلْتُ مِنَ الطُّورِ . فَقَالَ لَوْ أَدْرَكْتُكَ قَبْلَ أَنْ تَخْرُجَ إِلَيْهِ مَا خَرَجْتَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " لاَ تُعْمَلُ الْمَطِيُّ إِلاَّ إِلَى ثَلاَثَةِ مَسَاجِدَ إِلَى الْمَسْجِدِ الْحَرَامِ وَإِلَى مَسْجِدِي هَذَا وَإِلَى مَسْجِدِ إِيلْيَاءَ أَوْ بَيْتِ الْمَقْدِسِ " . يَشُكُّ . قَالَ أَبُو هُرَيْرَةَ ثُمَّ لَقِيتُ عَبْدَ اللَّهِ بْنَ سَلاَمٍ فَحَدَّثْتُهُ بِمَجْلِسِي مَعَ كَعْبِ الأَحْبَارِ وَمَا حَدَّثْتُهُ بِهِ فِي يَوْمِ الْجُمُعَةِ فَقُلْتُ قَالَ كَعْبٌ ذَلِكَ فِي كُلِّ سَنَةٍ يَوْمٌ . قَالَ قَالَ عَبْدُ اللَّهِ بْنُ سَلاَمٍ كَذَبَ كَعْبٌ . فَقُلْتُ ثُمَّ قَرَأَ كَعْبٌ التَّوْرَاةَ فَقَالَ بَلْ هِيَ فِي كُلِّ جُمُعَةٍ . فَقَالَ عَبْدُ اللَّهِ بْنُ سَلاَمٍ صَدَقَ كَعْبٌ . ثُمَّ قَالَ عَبْدُ اللَّهِ بْنُ سَلاَمٍ قَدْ عَلِمْتُ أَيَّةَ سَاعَةٍ هِيَ . قَالَ أَبُو هُرَيْرَةَ فَقُلْتُ لَهُ أَخْبِرْنِي بِهَا وَلاَ تَضِنَّ عَلَىَّ . فَقَالَ عَبْدُ اللَّهِ بْنُ سَلاَمٍ هِيَ آخِرُ سَاعَةٍ فِي يَوْمِ الْجُمُعَةِ . قَالَ أَبُو هُرَيْرَةَ فَقُلْتُ وَكَيْفَ تَكُونُ آخِرُ سَاعَةٍ فِي يَوْمِ الْجُمُعَةِ وَقَدْ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ يُصَادِفُهَا عَبْدٌ مُسْلِمٌ وَهُوَ يُصَلِّي " . وَتِلْكَ السَّاعَةُ سَاعَةٌ لاَ يُصَلَّى فِيهَا فَقَالَ عَبْدُ اللَّهِ بْنُ سَلاَمٍ أَلَمْ يَقُلْ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَنْ جَلَسَ مَجْلِسًا يَنْتَظِرُ الصَّلاَةَ فَهُوَ فِي صَلاَةٍ حَتَّى يُصَلِّيَ " . قَالَ أَبُو هُرَيْرَةَ فَقُلْتُ بَلَى . قَالَ فَهُوَ ذَلِكَ .

USC-MSA web (English) reference : Book 5, Hadith 17
Arabic reference : Book 5, Hadith 240

Yahya related to me from Malik from Yahya ibn Said that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is nothing wrong in wearing two garments which are not work-clothes for jumua."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ قَالَ " مَا عَلَى أَحَدِكُمْ لَوِ اتَّخَذَ ثَوْبَيْنِ لِجُمُعَتِهِ سِوَى ثَوْبَىْ مَهْنَتِهِ " .

USC-MSA web (English) reference : Book 5, Hadith 18
Arabic reference : Book 5, Hadith 241

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would never go to jumua without wearing oil and perfume except when it was forbidden (i.e. when he was muhrim).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ لاَ يَرُوحُ إِلَى الْجُمُعَةِ إِلاَّ ادَّهَنَ وَتَطَيَّبَ إِلاَّ أَنْ يَكُونَ حَرَامًا ‏.‏

USC-MSA web (English) reference : Book 5, Hadith 19
Arabic reference : Book 5, Hadith 242

Yahya related to me from Malik from Nafi from Abdullah ibn Abi Bakr ibn Hazm from whoever related it to him that Abu Hurayra used to say, "It is better for a man to pray on the surface of al Harra (a rocky area in Madina) than for him to wait until the imam stands to give the khutba and then come and step over people's necks."

Malik said, "The sunna with us is that the people face the imam on the day of jumua when he intends to give the khutba, whether they are near the qibla or elsewhere."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، عَمَّنْ حَدَّثَهُ عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ كَانَ يَقُولُ لأَنْ يُصَلِّيَ أَحَدُكُمْ بِظَهْرِ الْحَرَّةِ خَيْرٌ لَهُ مِنْ أَنْ يَقْعُدَ حَتَّى إِذَا قَامَ الإِمَامُ يَخْطُبُ جَاءَ يَتَخَطَّى رِقَابَ النَّاسِ يَوْمَ الْجُمُعَةِ ‏.‏ قَالَ مَالِكٌ السُّنَّةُ عِنْدَنَا أَنْ يَسْتَقْبِلَ النَّاسُ الإِمَامَ يَوْمَ الْجُمُعَةِ إِذَا أَرَادَ أَنْ يَخْطُبَ مَنْ كَانَ مِنْهُمْ يَلِي الْقِبْلَةَ وَغَيْرَهَا ‏.‏

USC-MSA web (English) reference : Book 5, Hadith 20
Arabic reference : Book 5, Hadith 243

Yahya related to me from Malik from Damra ibn Said al-Mazini from Ubaydullah ibn Abdullah ibn Utba ibn Masud that ad-Dahhak ibn Qays asked an-Numan ibn Bashir, "What did the Messenger of Allah, may Allah bless him and grant him peace, use to recite on the day of jumua after suratal-Jumua (Sura 62)?" He said, "He used to recite al-Ghashiya (Sura 88)."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ ضَمْرَةَ بْنِ سَعِيدٍ الْمَازِنِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، أَنَّ الضَّحَّاكَ بْنَ قَيْسٍ، سَأَلَ النُّعْمَانَ بْنَ بَشِيرٍ مَاذَا كَانَ يَقْرَأُ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم يَوْمَ الْجُمُعَةِ عَلَى إِثْرِ سُورَةِ الْجُمُعَةِ قَالَ كَانَ يَقْرَأُ ‏{هَلْ أَتَاكَ حَدِيثُ الْغَاشِيَةِ}‏

USC-MSA web (English) reference : Book 5, Hadith 21
Arabic reference : Book 5, Hadith 244

Yahya related to me from Malik that Safwan ibn Sulaym said, "If anyone omits jumua three times without reason or illness, Allah will set a seal on his heart." (Malik said, "I don't know if it was from the Messenger of Allah, may Allah bless him and grant him peace, or not.")

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ صَفْوَانَ بْنِ سُلَيْمٍ، - قَالَ مَالِكٌ لاَ أَدْرِي أَعَنِ النَّبِيِّ صلى الله عليه وسلم أَمْ لاَ - أَنَّهُ قَالَ ‏"‏ مَنْ تَرَكَ الْجُمُعَةَ ثَلاَثَ مَرَّاتٍ مِنْ غَيْرِ عُذْرٍ وَلاَ عِلَّةٍ طَبَعَ اللَّهُ عَلَى قَلْبِهِ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 5, Hadith 22
Arabic reference : Book 5, Hadith 245

Yahya related to me from Malik from Jafar ibn Muhammad from his father that the Messenger of Allah, may Allah bless him and grant him peace, gave two khutbas on the day of jumua and sat down between them.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم خَطَبَ خُطْبَتَيْنِ يَوْمَ الْجُمُعَةِ وَجَلَسَ بَيْنَهُمَا .

USC-MSA web (English) reference : Book 5, Hadith 23
Arabic reference : Book 5, Hadith 246

6 - Prayer in Ramadan كتاب الصلاة فى رمضان

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, prayed in the mosque one night and people prayed behind him. Then he prayed the next night and there were more people. Then they gathered on the third or fourth night and the Messenger of Allah, may Allah bless him and grant him peace, did not come out to them. In the morning, he said, "I saw what you were doing and the only thing that prevented me from coming out to you was that I feared that it would become obligatory (fard) for you." This happened in Ramadan.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم صَلَّى فِي الْمَسْجِدِ ذَاتَ لَيْلَةٍ فَصَلَّى بِصَلاَتِهِ نَاسٌ ثُمَّ صَلَّى اللَّيْلَةَ الْقَابِلَةَ فَكَثُرَ النَّاسُ ثُمَّ اجْتَمَعُوا مِنَ اللَّيْلَةِ الثَّالِثَةِ أَوِ الرَّابِعَةِ فَلَمْ يَخْرُجْ إِلَيْهِمْ رَسُولُ اللَّهِ صلى الله عليه وسلم فَلَمَّا أَصْبَحَ قَالَ " قَدْ رَأَيْتُ الَّذِي صَنَعْتُمْ وَلَمْ يَمْنَعْنِي مِنَ الْخُرُوجِ إِلَيْكُمْ إِلاَّ أَنِّي خَشِيتُ أَنْ تُفْرَضَ عَلَيْكُمْ " . وَذَلِكَ فِي رَمَضَانَ .

Sunnah.com reference : Book 6, Hadith 1
USC-MSA web (English) reference : Book 6, Hadith 1
Arabic reference : Book 6, Hadith 247

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abd ar-Rahman ibn Awf from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, used to exhort people to watch the night in prayer in Ramadan but never ordered it definitely. He used to say, "Whoever watches the night in prayer in Ramadan with trust and expectancy, will be forgiven all his previous wrong actions."

Ibn Shihab said, "The Messenger of Allah, may Allah bless him and grant him peace, died while that wasstill the custom, and it continued to be the custom in the khalifate of Abu Bakr and at the beginning of the khalifate of Umar ibn al-Khattab."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُرَغِّبُ فِي قِيَامِ رَمَضَانَ مِنْ غَيْرِ أَنْ يَأْمُرَ بِعَزِيمَةٍ فَيَقُولُ " مَنْ قَامَ رَمَضَانَ إِيمَانًا وَاحْتِسَابًا غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ " . قَالَ ابْنُ شِهَابٍ فَتُوُفِّيَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَالأَمْرُ عَلَى ذَلِكَ ثُمَّ كَانَ الأَمْرُ عَلَى ذَلِكَ فِي خِلاَفَةِ أَبِي بَكْرٍ وَصَدْرًا مِنْ خِلاَفَةِ عُمَرَ بْنِ الْخَطَّابِ .

Sunnah.com reference : Book 6, Hadith 2
USC-MSA web (English) reference : Book 6, Hadith 2
Arabic reference : Book 6, Hadith 248

Malik related to me from Ibn Shihab from Urwa ibn az-Zubayr that Abd ar-Rahman ibn Abd al-Qari said, "I went out with Umar ibn alKhattab in Ramadan to the mosque and the people there were spread out in groups. Some men were praying by themselves, whilst others were praying in small groups. Umar said, 'By Allah! It would be better in my opinion if these people gathered behind one reciter.' So he gathered them behind Ubayy ibn Kab. Then I went out with him another night and the people were praying behind their Qur'an reciter. Umar said, 'How excellent this new way is, but what you miss while you are asleep is better than what you watch in prayer.' He meant the end of the night, and people used to watch the beginning of the night in prayer."

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدٍ الْقَارِيِّ، أَنَّهُ قَالَ خَرَجْتُ مَعَ عُمَرَ بْنِ الْخَطَّابِ فِي رَمَضَانَ إِلَى الْمَسْجِدِ فَإِذَا النَّاسُ أَوْزَاعٌ مُتَفَرِّقُونَ يُصَلِّي الرَّجُلُ لِنَفْسِهِ وَيُصَلِّي الرَّجُلُ فَيُصَلِّي بِصَلاَتِهِ الرَّهْطُ فَقَالَ عُمَرُ وَاللَّهِ إِنِّي لأَرَانِي لَوْ جَمَعْتُ هَؤُلاَءِ عَلَى قَارِئٍ وَاحِدٍ لَكَانَ أَمْثَلَ . فَجَمَعَهُمْ عَلَى أُبَىِّ بْنِ كَعْبٍ - قَالَ - ثُمَّ خَرَجْتُ مَعَهُ لَيْلَةً أُخْرَى وَالنَّاسُ يُصَلُّونَ بِصَلاَةِ قَارِئِهِمْ فَقَالَ عُمَرُ نِعْمَتِ الْبِدْعَةُ هَذِهِ وَالَّتِي تَنَامُونَ عَنْهَا أَفْضَلُ مِنَ الَّتِي تَقُومُونَ . يَعْنِي آخِرَ اللَّيْلِ وَكَانَ النَّاسُ يَقُومُونَ أَوَّلَهُ .

Sunnah.com reference : Book 6, Hadith 3
USC-MSA web (English) reference : Book 6, Hadith 3
Arabic reference : Book 6, Hadith 249

Yahya related to me from Malik from Muhammad ibn Yusuf that as- Sa'ib ibn Yazid said, "Umar ibn al-Khattab ordered Ubayy ibn Kab and Tamim ad-Dari to watch the night in prayer with the people for eleven rakas.The reciterof the Qur'an would recite the Mi'in (a group of medium-sized suras) until we would be leaning on our staffs from having stood so long in prayer. And we would not leave until the approach of dawn."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ يُوسُفَ، عَنِ السَّائِبِ بْنِ يَزِيدَ، أَنَّهُ قَالَ أَمَرَ عُمَرُ بْنُ الْخَطَّابِ أُبَىَّ بْنَ كَعْبٍ وَتَمِيمًا الدَّارِيَّ أَنْ يَقُومَا، لِلنَّاسِ بِإِحْدَى عَشْرَةَ رَكْعَةً قَالَ وَقَدْ كَانَ الْقَارِئُ يَقْرَأُ بِالْمِئِينَ حَتَّى كُنَّا نَعْتَمِدُ عَلَى الْعِصِيِّ مِنْ طُولِ الْقِيَامِ وَمَا كُنَّا نَنْصَرِفُ إِلاَّ فِي فُرُوعِ الْفَجْرِ .

Sunnah.com reference : Book 6, Hadith 4
USC-MSA web (English) reference : Book 6, Hadith 4
Arabic reference : Book 6, Hadith 250

Yahya related to me from Malik that Yazid ibn Ruman said, "The people used to watch the night in prayer during Ramadan for twenty- three rakas in the time of Umar ibn al-Khattab."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ رُومَانَ، أَنَّهُ قَالَ كَانَ النَّاسُ يَقُومُونَ فِي زَمَانِ عُمَرَ بْنِ الْخَطَّابِ فِي رَمَضَانَ بِثَلاَثٍ وَعِشْرِينَ رَكْعَةً .

Sunnah.com reference : Book 6, Hadith 5
USC-MSA web (English) reference : Book 6, Hadith 5
Arabic reference : Book 6, Hadith 251

Yahya related to me from Malik from Da'ud ibn al-Husayn that he heard al-Araj say, "I never saw the people in Ramadan, but that they were cursing the disbelievers." He added, "The reciter of Qur'an used to recite surat al-Baqara in eight rakas and if he did it in twelve rakas the people would think that he had made it easy."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، أَنَّهُ سَمِعَ الأَعْرَجَ، يَقُولُ مَا أَدْرَكْتُ النَّاسَ إِلاَّ وَهُمْ يَلْعَنُونَ الْكَفَرَةَ فِي رَمَضَانَ . قَالَ وَكَانَ الْقَارِئُ يَقْرَأُ سُورَةَ الْبَقَرَةِ فِي ثَمَانِ رَكَعَاتٍ فَإِذَا قَامَ بِهَا فِي اثْنَتَىْ عَشْرَةَ رَكْعَةً رَأَى النَّاسُ أَنَّهُ قَدْ خَفَّفَ .

Sunnah.com reference : Book 6, Hadith 6
USC-MSA web (English) reference : Book 6, Hadith 6
Arabic reference : Book 6, Hadith 252

Yahya related to me from Malik that Abdullah ibn Abi Bakr said, "I heard my father say, 'We finished praying in Ramadan and the servants hurried with the food, fearing the approach of dawn.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، قَالَ سَمِعْتُ أَبِي يَقُولُ، كُنَّا نَنْصَرِفُ فِي رَمَضَانَ فَنَسْتَعْجِلُ الْخَدَمَ بِالطَّعَامِ مَخَافَةَ الْفَجْرِ .

Sunnah.com reference : Book 6, Hadith 7
USC-MSA web (English) reference : Book 6, Hadith 7
Arabic reference : Book 6, Hadith 253

Yahya related to me from Malik from Hisham ibn Urwa from his father that Dhakwan Abu Amr (a slave belonging to A'isha, the wife of the Prophet, may Allah bless him and grant him peace, who was freed by her after her death) used tostand in prayer and recite for her in Ramadan.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ ذَكْوَانَ أَبَا عَمْرٍو، - وَكَانَ عَبْدًا لِعَائِشَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم فَأَعْتَقَتْهُ عَنْ دُبُرٍ مِنْهَا - كَانَ يَقُومُ يَقْرَأُ لَهَا فِي رَمَضَانَ .

Sunnah.com reference : Book 6, Hadith 8
USC-MSA web (English) reference : Book 6, Hadith 8
Arabic reference : Book 6, Hadith 254

7 - Tahajjud كتاب صلاة الليل

Yahya related to me from Malik from Muhammad ibn al-Munkadir from Said ibn al-Jubayr that a man who has approval (as a relater of hadith), told him that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "If a man prays in the night and sleep overcomes him during it, Allah writes for him the reward of his prayer, and his sleep is sadaqa for him."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ رَجُلٍ، عِنْدَهُ رِضًا أَنَّهُ أَخْبَرَهُ أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم أَخْبَرَتْهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَا مِنِ امْرِئٍ تَكُونُ لَهُ صَلاَةٌ بِلَيْلٍ يَغْلِبُهُ عَلَيْهَا نَوْمٌ إِلاَّ كَتَبَ اللَّهُ لَهُ أَجْرَ صَلاَتِهِ وَكَانَ نَوْمُهُ عَلَيْهِ صَدَقَةً " .

Sunnah.com reference : Book 7, Hadith 1
USC-MSA web (English) reference : Book 7, Hadith 1
Arabic reference : Book 7, Hadith 255

Yahya related to me from Malik from Abu'nNadr, the mawla of Umar ibn 'Ubaydullah, from Abu Salama ibn Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "I was sleeping in front of the Messenger of Allah, may Allah bless him and grant him peace, and my feet were in his qibla. When he prostrated, he nudged me and I pulled up my feet,and when he stood up I spread them out." She added, "There were no lamps in the house at that time."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ كُنْتُ أَنَامُ بَيْنَ يَدَىْ رَسُولِ اللَّهِ صلى الله عليه وسلم وَرِجْلاَىَ فِي قِبْلَتِهِ فَإِذَا سَجَدَ غَمَزَنِي فَقَبَضْتُ رِجْلَىَّ فَإِذَا قَامَ بَسَطْتُهُمَا . قَالَتْ وَالْبُيُوتُ يَوْمَئِذٍ لَيْسَ فِيهَا مَصَابِيحُ .

Sunnah.com reference : Book 7, Hadith 2
USC-MSA web (English) reference : Book 7, Hadith 2
Arabic reference : Book 7, Hadith 256

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said, "If you are drowsy in prayer, sleep until sleep leaves you, because if you pray while you are drowsy, you do not know whether you may intend to ask for forgiveness but (in fact) ask for harm."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا نَعَسَ أَحَدُكُمْ فِي صَلاَتِهِ فَلْيَرْقُدْ حَتَّى يَذْهَبَ عَنْهُ النَّوْمُ فَإِنَّ أَحَدَكُمْ إِذَا صَلَّى وَهُوَ نَاعِسٌ لاَ يَدْرِي لَعَلَّهُ يَذْهَبُ يَسْتَغْفِرُ فَيَسُبُّ نَفْسَهُ " .

Sunnah.com reference : Book 7, Hadith 3
USC-MSA web (English) reference : Book 7, Hadith 3
Arabic reference : Book 7, Hadith 257

Yahya related to me from Malik from Ismail from Ibn Abi Hakim that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, heard a woman praying at night. He said, "Who is that?" and someone said to

him,"It is al-Hawla bint Tuwayt, she does not sleep in the night." The Messenger of Allah, may Allah bless him and grant him peace, disapproved of that and his disapproval showed in his face. Then he said, "Allah, the Blessed and Exalted, does not become weary, but you become weary. Take on whatever is within your capability."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَكِيمٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سَمِعَ امْرَأَةً مِنَ اللَّيْلِ تُصَلِّي فَقَالَ " مَنْ هَذِهِ " . فَقِيلَ لَهُ هَذِهِ الْحَوْلاَءُ بِنْتُ تُوَيْتٍ لاَ تَنَامُ اللَّيْلَ . فَكَرِهَ ذَلِكَ رَسُولُ اللَّهِ صلى الله عليه وسلم حَتَّى عُرِفَتِ الْكَرَاهِيَةُ فِي وَجْهِهِ ثُمَّ قَالَ " إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى لاَ يَمَلُّ حَتَّى تَمَلُّوا اكْلَفُوا مِنَ الْعَمَلِ مَا لَكُمْ بِهِ طَاقَةٌ " .

Sunnah.com reference : Book 7, Hadith 4
USC-MSA web (English) reference : Book 7, Hadith 5
Arabic reference : Book 7, Hadith 258

Yahya related to me from Malik from Zayd ibn Aslam from his father that Umar ibn al-Khattab used to pray as much as Allah willed in the night until at the end of the night he would wake his family for the prayer. He used to say to them, "The prayer, the prayer." Then he would recite the ayat, "Enjoin prayer on your family and be constant in it. We do not ask you for your provision. We provide for you. And the end result is for taqwa." (Sura 20 ayat 132)

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يُصَلِّي مِنَ اللَّيْلِ مَا شَاءَ اللَّهُ حَتَّى إِذَا كَانَ مِنْ آخِرِ اللَّيْلِ أَيْقَظَ أَهْلَهُ لِلصَّلاَةِ يَقُولُ لَهُمُ الصَّلاَةَ الصَّلاَةَ ثُمَّ يَتْلُو هَذِهِ الآيَةَ {وَأْمُرْ أَهْلَكَ بِالصَّلاَةِ وَاصْطَبِرْ عَلَيْهَا لاَ نَسْأَلُكَ رِزْقًا نَحْنُ نَرْزُقُكَ وَالْعَاقِبَةُ لِلتَّقْوَى}

Sunnah.com reference : Book 7, Hadith 5
USC-MSA web (English) reference : Book 7, Hadith 5
Arabic reference : Book 7, Hadith 259

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab used to say, "Sleep is disapproved of before isha and conversation after it."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، كَانَ يَقُولُ يُكْرَهُ النَّوْمُ قَبْلَ الْعِشَاءِ وَالْحَدِيثُ بَعْدَهَا .

Sunnah.com reference : Book 7, Hadith 6
USC-MSA web (English) reference : Book 7, Hadith 6
Arabic reference : Book 7, Hadith 260

Yahya related to me from Malik that he had heard that Abdullah ibn Umar used to say, "(Voluntary) prayer in both the day and night is two at a time with a taslim after every 2 raka'ahs."

Malik said, "That is the custom among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ صَلاَةُ اللَّيْلِ وَالنَّهَارِ مَثْنَى مَثْنَى يُسَلِّمُ مِنْ كُلِّ رَكْعَتَيْنِ .

Sunnah.com reference : Book 7, Hadith 7
USC-MSA web (English) reference : Book 7, Hadith 7
Arabic reference : Book 7, Hadith 261

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, used to

pray eleven rakas in the night, making them odd by a single one, and when he had finished he lay down on his right side.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم . أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُصَلِّي مِنَ اللَّيْلِ إِحْدَى عَشْرَةَ رَكْعَةً يُوتِرُ مِنْهَا بِوَاحِدَةٍ فَإِذَا فَرَغَ اضْطَجَعَ عَلَى شِقِّهِ الأَيْمَنِ .

Sunnah.com reference : Book 7, Hadith 8
USC-MSA web (English) reference : Book 7, Hadith 8
Arabic reference : Book 7, Hadith 262

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi from Abu Salama ibn Abd ar-Rahman ibn Awf that he asked A'isha, the wife of the Prophet, may Allah bless him and grant him peace, what the prayer of the Messenger of Allah, may Allah bless him and grant him peace, was like during Ramadan. She said, "The Messenger of Allah, may Allah bless him and grant him peace, did not go above eleven rakas in Ramadan or at any other time. He prayed four - do not ask me about their beauty or length. Then he prayed another four - do not ask me about their beauty and length. Then he prayed three."

A'isha continued, "I said, 'Messenger of Allah, are you sleeping before you do the witr?' He said, A'isha, my eyes sleep but my heart does not sleep.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّهُ سَأَلَ عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَيْفَ كَانَتْ صَلاَةُ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي رَمَضَانَ فَقَالَتْ مَا كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَزِيدُ فِي رَمَضَانَ وَلاَ فِي غَيْرِهِ عَلَى إِحْدَى عَشْرَةَ رَكْعَةً يُصَلِّي أَرْبَعًا فَلاَ تَسْأَلْ عَنْ حُسْنِهِنَّ وَطُولِهِنَّ ثُمَّ يُصَلِّي أَرْبَعًا فَلاَ تَسْأَلْ عَنْ حُسْنِهِنَّ وَطُولِهِنَّ ثُمَّ يُصَلِّي ثَلاَثًا فَقَالَتْ عَائِشَةُ فَقُلْتُ يَا رَسُولَ اللَّهِ أَتَنَامُ قَبْلَ أَنْ تُوتِرَ فَقَالَ " يَا عَائِشَةُ إِنَّ عَيْنَىَّ تَنَامَانِ وَلاَ يَنَامُ قَلْبِي " .

Sunnah.com reference : Book 7, Hadith 9
USC-MSA web (English) reference : Book 7, Hadith 9
Arabic reference : Book 7, Hadith 263

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin said, "The Messenger of Allah, may Allah bless him and grant him peace, used to pray thirteen rakas in the night and then would pray two rakas when he heard the adhan for the subh prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، قَالَتْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يُصَلِّي بِاللَّيْلِ ثَلاَثَ عَشْرَةَ رَكْعَةً ثُمَّ يُصَلِّي إِذَا سَمِعَ النِّدَاءَ بِالصُّبْحِ رَكْعَتَيْنِ خَفِيفَتَيْنِ .

Sunnah.com reference : Book 7, Hadith 10
USC-MSA web (English) reference : Book 7, Hadith 10
Arabic reference : Book 7, Hadith 264

Yahya related to me from Malik from Makhrama ibn Sulayman from Kurayb, the mawla of Ibn Abbas, that Abdullah ibn Abbas told him that he had spent a night at the house of Maimuna, the wife of the Prophet, may Allah bless him and grant him peace, who was also Ibn Abbas' mother's sister. Ibn Abbas said, "I lay down with my head on the breadth of the cushion, and the Messenger of Allah, may Allah bless him and grant him peace, and his wife lay down with their heads on its length. The Messenger of Allah, may Allah bless him and grant him peace, slept, until,

halfway through the night or a little before or after it, he awoke and sat up and wiped the sleep away from his face with his hand. Then he recited the last ten ayats of sura Ali Imran (Sura3). Then he got up and went over to a water-skin which was hanging up and did wudu from it, doing his wudu thoroughly, and then he stood in prayer."

Ibn Abbas continued, "I stood up and did the same and then went and stood by his side. The Messenger of Allah, may Allah bless him and grant him peace, put his right hand on my head and took my right ear and tweaked it. He prayed two rakas, then two rakas, then two rakas, then two rakas, then two rakas, then two rakas, and then prayed an odd raka. Then he lay down until the muadhdhin came to him, and then prayed two quick rakas, and went out and prayed subh ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مَخْرَمَةَ بْنِ سُلَيْمَانَ، عَنْ كُرَيْبٍ، مَوْلَى ابْنِ عَبَّاسٍ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، أَخْبَرَهُ أَنَّهُ، بَاتَ لَيْلَةً عِنْدَ مَيْمُونَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم - وَهِيَ خَالَتُهُ - قَالَ فَاضْطَجَعْتُ فِي عَرْضِ الْوِسَادَةِ وَاضْطَجَعَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَأَهْلُهُ فِي طُولِهَا فَنَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم حَتَّى إِذَا انْتَصَفَ اللَّيْلُ - أَوْ قَبْلَهُ بِقَلِيلٍ أَوْ بَعْدَهُ بِقَلِيلٍ - اسْتَيْقَظَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَجَلَسَ يَمْسَحُ النَّوْمَ عَنْ وَجْهِهِ بِيَدِهِ ثُمَّ قَرَأَ الْعَشْرَ الآيَاتِ الْخَوَاتِمَ مِنْ سُورَةِ آلِ عِمْرَانَ ثُمَّ قَامَ إِلَى شَنٍّ مُعَلَّقٍ فَتَوَضَّأَ مِنْهُ فَأَحْسَنَ وُضُوءَهُ ثُمَّ قَامَ يُصَلِّي - قَالَ ابْنُ عَبَّاسٍ - فَقُمْتُ فَصَنَعْتُ مِثْلَ مَا صَنَعَ ثُمَّ ذَهَبْتُ فَقُمْتُ إِلَى جَنْبِهِ فَوَضَعَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَدَهُ الْيُمْنَى عَلَى رَأْسِي وَأَخَذَ بِأُذُنِي الْيُمْنَى يَفْتِلُهَا فَصَلَّى رَكْعَتَيْنِ ثُمَّ رَكْعَتَيْنِ ثُمَّ رَكْعَتَيْنِ ثُمَّ رَكْعَتَيْنِ ثُمَّ رَكْعَتَيْنِ ثُمَّ رَكْعَتَيْنِ ثُمَّ أَوْتَرَ ثُمَّ اضْطَجَعَ حَتَّى أَتَاهُ الْمُؤَذِّنُ فَصَلَّى رَكْعَتَيْنِ خَفِيفَتَيْنِ ثُمَّ خَرَجَ فَصَلَّى الصُّبْحَ ‏.‏

Sunnah.com reference : Book 7, Hadith 11
USC-MSA web (English) reference : Book 7, Hadith 11
Arabic reference : Book 7, Hadith 265

Yahya related to me from Malik from Abdullah ibn Abi Bakr from his father that Abdullah ibn Qays ibn Makhrama told him that Zayd ibn Khalid al-Juhani said one night that he was going to observe the prayer of the Messenger of Allah, may Allah bless him and grant him peace. He said, "I rested my head on his threshold. The Messenger of Allah, may Allah bless him and grant him peace, got up and prayed two long, long, long rakas. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed an odd raka, making thirteen rakas in all."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، أَنَّ عَبْدَ اللَّهِ بْنَ قَيْسِ بْنِ مَخْرَمَةَ، أَخْبَرَهُ عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ، أَنَّهُ قَالَ لأَرْمُقَنَّ اللَّيْلَةَ صَلاَةَ رَسُولِ اللَّهِ صلى الله عليه وسلم - قَالَ - فَتَوَسَّدْتُ عَتَبَتَهُ - أَوْ فُسْطَاطَهُ - فَقَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَصَلَّى رَكْعَتَيْنِ طَوِيلَتَيْنِ طَوِيلَتَيْنِ طَوِيلَتَيْنِ ثُمَّ صَلَّى رَكْعَتَيْنِ وَهُمَا دُونَ اللَّتَيْنِ قَبْلَهُمَا ثُمَّ صَلَّى رَكْعَتَيْنِ وَهُمَا دُونَ اللَّتَيْنِ قَبْلَهُمَا ثُمَّ صَلَّى رَكْعَتَيْنِ وَهُمَا دُونَ اللَّتَيْنِ قَبْلَهُمَا ثُمَّ صَلَّى رَكْعَتَيْنِ وَهُمَا دُونَ اللَّتَيْنِ قَبْلَهُمَا ثُمَّ صَلَّى رَكْعَتَيْنِ وَهُمَا دُونَ اللَّتَيْنِ قَبْلَهُمَا ثُمَّ أَوْتَرَ فَتِلْكَ ثَلاَثَ عَشْرَةَ رَكْعَةً ‏.‏

Sunnah.com reference : Book 7, Hadith 12
USC-MSA web (English) reference : Book 7, Hadith 12
Arabic reference : Book 7, Hadith 266

Yahya related to me from Malik from Nafi and Abdullah ibn Umar that a man asked the Messenger of Allah, may Allah bless him and grant him peace, about night prayers. The Messenger of Allah, may Allah bless him and grant him peace, said, "Night prayers are two by two, and when you are afraid that dawn is approaching, pray one raka to make what you have prayed odd."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، وَعَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَجُلاً، سَأَلَ رَسُولَ اللَّهِ صلى الله عليه وسلم عَنْ صَلاَةِ اللَّيْلِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " صَلاَةُ اللَّيْلِ مَثْنَى مَثْنَى فَإِذَا خَشِيَ أَحَدُكُمُ الصُّبْحَ صَلَّى رَكْعَةً وَاحِدَةً تُوتِرُ لَهُ مَا قَدْ صَلَّى " .

Sunnah.com reference : Book 7, Hadith 13
USC-MSA web (English) reference : Book 7, Hadith 13
Arabic reference : Book 7, Hadith 267

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Yahya ibn Habban from Ibn Muhayriz that a man from the Kinana tribe called al-Mukhdaji heard a man in Syria known as Abu Muhammad saying, "The witr is obligatory (fard)." Al-Mukhdaji said, "I went to Ubada ibn as-Samit and presented myself to him as he was going to the mosque, and told him what Abu Muhammad had said. Ubada said that Abu Muhammad had lied and that he had heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Allah the Majestic and Mighty has written five prayers for mankind, and whoever does them and does not waste anything of them by making light of what is due to them, there is a pact for him with Allah that He will admit him into the Garden.Whoever does not do them, there is no pact for him with Allah. If He wishes, He punishes him, and if He wishes, He admits him into the Garden.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ ابْنِ مُحَيْرِيزٍ، أَنَّ رَجُلاً، مِنْ بَنِي كِنَانَةَ يُدْعَى الْمُخْدَجِيَّ سَمِعَ رَجُلاً، بِالشَّامِ يُكَنَّى أَبَا مُحَمَّدٍ يَقُولُ إِنَّ الْوِتْرَ وَاجِبٌ . فَقَالَ الْمُخْدَجِيُّ فَرُحْتُ إِلَى عُبَادَةَ بْنِ الصَّامِتِ فَاعْتَرَضْتُ لَهُ وَهُوَ رَائِحٌ إِلَى الْمَسْجِدِ فَأَخْبَرْتُهُ بِالَّذِي قَالَ أَبُو مُحَمَّدٍ فَقَالَ عُبَادَةُ كَذَبَ أَبُو مُحَمَّدٍ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " خَمْسُ صَلَوَاتٍ كَتَبَهُنَّ اللَّهُ عَزَّ وَجَلَّ عَلَى الْعِبَادِ فَمَنْ جَاءَ بِهِنَّ لَمْ يُضَيِّعْ مِنْهُنَّ شَيْئًا اسْتِخْفَافًا بِحَقِّهِنَّ كَانَ لَهُ عِنْدَ اللَّهِ عَهْدٌ أَنْ يُدْخِلَهُ الْجَنَّةَ وَمَنْ لَمْ يَأْتِ بِهِنَّ فَلَيْسَ لَهُ عِنْدَ اللَّهِ عَهْدٌ إِنْ شَاءَ عَذَّبَهُ وَإِنْ شَاءَ أَدْخَلَهُ الْجَنَّةَ " .

Sunnah.com reference : Book 7, Hadith 14
USC-MSA web (English) reference : Book 7, Hadith 14
Arabic reference : Book 7, Hadith 268

Yahya related to me from Malik from Abu Bakr ibn Umar that Said ibn Yasar said, ''I was travelling with Abdullah ibn Umar on the road to Makka, and fearing that it was nearly dawn. I dismounted and prayed witr. Abdullah said, 'Is there not a model for you in the Messenger of Allah, may Allah bless him and grant him peace?' I said, 'Of course, by Allah!' He said, 'The Messenger of Allah, may Allah bless him and grant him peace, used to pray witr on his camel.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي بَكْرِ بْنِ عُمَرَ، عَنْ سَعِيدِ بْنِ يَسَارٍ، قَالَ كُنْتُ أَسِيرُ مَعَ عَبْدِ اللَّهِ بْنِ عُمَرَ بِطَرِيقِ مَكَّةَ - قَالَ سَعِيدٌ - فَلَمَّا خَشِيتُ الصُّبْحَ نَزَلْتُ فَأَوْتَرْتُ ثُمَّ أَدْرَكْتُهُ فَقَالَ لِي عَبْدُ اللَّهِ بْنُ عُمَرَ أَيْنَ كُنْتَ فَقُلْتُ لَهُ خَشِيتُ الصُّبْحَ فَنَزَلْتُ فَأَوْتَرْتُ . فَقَالَ عَبْدُ اللَّهِ أَلَيْسَ لَكَ فِي رَسُولِ اللَّهِ أُسْوَةٌ . فَقُلْتُ بَلَى وَاللَّهِ . فَقَالَ إِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُوتِرُ عَلَى الْبَعِيرِ .

Sunnah.com reference : Book 7, Hadith 15
USC-MSA web (English) reference : Book 7, Hadith 15
Arabic reference : Book 7, Hadith 269

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "Abu Bakr as-Siddiq used to pray witr when he wished to go to bed, and Umar ibn al-Khattab used to pray witr at the end of the night. As for me, I pray witr when I go to bed."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ كَانَ أَبُو بَكْرٍ الصِّدِّيقُ إِذَا أَرَادَ أَنْ يَأْتِيَ، فِرَاشَهُ أَوْتَرَ وَكَانَ عُمَرُ بْنُ الْخَطَّابِ يُوتِرُ آخِرَ اللَّيْلِ قَالَ سَعِيدُ بْنُ الْمُسَيَّبِ فَأَمَّا أَنَا فَإِذَا جِئْتُ فِرَاشِي أَوْتَرْتُ ‏.‏

Sunnah.com reference : Book 7, Hadith 16
USC-MSA web (English) reference : Book 7, Hadith 16
Arabic reference : Book 7, Hadith 270

Yahya related to me from Malik that he had heard that a man asked Abdullah ibn Umar whether the witr was obligatory and Abdullah ibn Umar said, "The Messenger of Allah, may Allah bless him and grant him peace, prayed witr, and the muslims prayed witr." The man began repeating his question, and Abdullah ibn Umar kept saying, "The Messenger of Allah, may Allah bless him and grant him peace, prayed witr, and the muslims prayed witr."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، سَأَلَ عَبْدَ اللَّهِ بْنَ عُمَرَ عَنِ الْوِتْرِ أَوَاجِبٌ هُوَ فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ قَدْ أَوْتَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَأَوْتَرَ الْمُسْلِمُونَ ‏.‏ فَجَعَلَ الرَّجُلُ يُرَدِّدُ عَلَيْهِ وَعَبْدُ اللَّهِ بْنُ عُمَرَ يَقُولُ أَوْتَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَأَوْتَرَ الْمُسْلِمُونَ ‏.‏

Sunnah.com reference : Book 7, Hadith 17
USC-MSA web (English) reference : Book 7, Hadith 17
Arabic reference : Book 7, Hadith 271

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say, "If someone fears that he will sleep through till the morning, let him pray the witr before he sleeps, and if some one hopes to wake for the last part of the night, let him delay his witr."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تَقُولُ مَنْ خَشِيَ أَنْ يَنَامَ حَتَّى يُصْبِحَ فَلْيُوتِرْ قَبْلَ أَنْ يَنَامَ وَمَنْ رَجَا أَنْ يَسْتَيْقِظَ آخِرَ اللَّيْلِ فَلْيُؤَخِّرْ وِتْرَهُ ‏.‏

Sunnah.com reference : Book 7, Hadith 18
USC-MSA web (English) reference : Book 7, Hadith 18
Arabic reference : Book 7, Hadith 272

Yahya related to me from Malik that Nafi said, "I was with Abdullah ibn Umar in Makka. The sky was clouded over and Abdullah feared that dawn was approaching so he prayed one raka for witr. Then the clouds cleared and he saw that it was still night, so he made his prayers even with one raka. Then he continued to pray two rakas at a time, until when he feared the approach of dawn, he prayed one raka for witr."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّهُ قَالَ كُنْتُ مَعَ عَبْدِ اللَّهِ بْنِ عُمَرَ بِمَكَّةَ وَالسَّمَاءُ مُغِيمَةٌ فَخَشِيَ عَبْدُ اللَّهِ الصُّبْحَ فَأَوْتَرَ بِوَاحِدَةٍ ثُمَّ انْكَشَفَ الْغَيْمُ فَرَأَى أَنَّ عَلَيْهِ لَيْلاً فَشَفَعَ بِوَاحِدَةٍ ثُمَّ صَلَّى بَعْدَ ذَلِكَ رَكْعَتَيْنِ رَكْعَتَيْنِ فَلَمَّا خَشِيَ الصُّبْحَ أَوْتَرَ بِوَاحِدَةٍ ‏.‏

Sunnah.com reference : Book 7, Hadith 19
USC-MSA web (English) reference : Book 7, Hadith 19
Arabic reference : Book 7, Hadith 273

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say the taslim between the two rakas and the one raka of witr so that he could order something he needed.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُسَلِّمُ بَيْنَ الرَّكْعَتَيْنِ وَالرَّكْعَةِ فِي الْوِتْرِ حَتَّى يَأْمُرَ بِبَعْضِ حَاجَتِهِ ‏.‏

Sunnah.com reference : Book 7, Hadith 20
USC-MSA web (English) reference : Book 7, Hadith 20
Arabic reference : Book 7, Hadith 274

Yahya related to me from Malik from Ibn Shihab that Sad ibn Abi Waqqas used to pray witr after isha with one raka.

Malik said, "This is not the situation with us. Rather three is the minimum for witr."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ سَعْدَ بْنَ أَبِي وَقَّاصٍ، كَانَ يُوتِرُ بَعْدَ الْعَتَمَةِ بِوَاحِدَةٍ ‏.‏ قَالَ مَالِكٌ وَلَيْسَ عَلَى هَذَا الْعَمَلُ عِنْدَنَا وَلَكِنْ أَدْنَى الْوِتْرِ ثَلاَثٌ ‏.‏

Sunnah.com reference : Book 7, Hadith 21
USC-MSA web (English) reference : Book 7, Hadith 213
Arabic reference : Book 7, Hadith 275

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar used to say, "The maghrib prayer is the witr of the daytime prayers."

Malik said, "If someone prays witr at the beginning of the night, and goes to sleep, and then wakes up and it seems good to him to pray, let him pray, two rakas at a time. That is what I like most of what I have heard."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ صَلاَةُالمغرب وتر صلاة النهار . قال مالك من أوتر أول الليل ثم نام ثم قام فبدا له أن يصلي فليصل مثنى مثنى فهو أحب ما سمعت إلى

Sunnah.com reference : Book 7, Hadith 22
USC-MSA web (English) reference : Book 7, Hadith 22
Arabic reference : Book 7, Hadith 276

Yahya related to me from Malik from Abd al Karim ibn Abi'l-Mukhariq al-Basri from Said ibn Jubayr that Abdullah ibn Abbas slept, and when he woke up, he said to his servant, "Go and see what the people have done," (by that time his sight had gone.) The servant went out and returned saying, "The people have left from subh," so Abdullah ibn Abbas got up and prayed witr and then prayed subh.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الْكَرِيمِ بْنِ أَبِي الْمُخَارِقِ الْبَصْرِيِّ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، رَقَدَ ثُمَّ اسْتَيْقَظَ فَقَالَ لِخَادِمِهِ انْظُرْ مَا صَنَعَ النَّاسُ ‏.‏ وَهُوَ يَوْمَئِذٍ قَدْ ذَهَبَ بَصَرُهُ ‏.‏ فَذَهَبَ الْخَادِمُ ثُمَّ رَجَعَ فَقَالَ قَدِ انْصَرَفَ النَّاسُ مِنَ الصُّبْحِ ‏.‏ فَقَامَ عَبْدُ اللَّهِ بْنُ عَبَّاسٍ فَأَوْتَرَ ثُمَّ صَلَّى الصُّبْحَ ‏.‏

Sunnah.com reference : Book 7, Hadith 23
USC-MSA web (English) reference : Book 7, Hadith 23
Arabic reference : Book 7, Hadith 277

Yahya related to me from Malik that he had heard that Abdullah ibn Abbas and Ubada ibn as-Samit and al-Qasim ibn Muhammad and Abdullah ibn Amir ibn Rabia had all prayed witr after the break of dawn.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، وَعُبَادَةَ بْنَ الصَّامِتِ، وَالْقَاسِمَ بْنَ مُحَمَّدٍ، وَعَبْدَ اللَّهِ بْنَ عَامِرِ بْنِ رَبِيعَةَ، قَدْ أَوْتَرُوا بَعْدَ الْفَجْرِ .

Sunnah.com reference : Book 7, Hadith 24
USC-MSA web (English) reference : Book 7, Hadith 24
Arabic reference : Book 7, Hadith 278

Yahya related to me from Malik from Hisham ibn Urwa from his father that Abdullah ibn Masud said, "I do not mind if the iqama for the subh prayer is called while I am still praying witr."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، قَالَ مَا أُبَالِي لَوْ أُقِيمَتْ صَلاَةُ الصُّبْحِ وَأَنَا أُوتِرُ .

Sunnah.com reference : Book 7, Hadith 25
USC-MSA web (English) reference : Book 7, Hadith 25
Arabic reference : Book 7, Hadith 279

Yahya related to me from Malik that Yahya ibn Said said, "Ubada ibn as-Samit used to lead the people in prayer. One day he came out for subh and the muadhdhin began to give the iqama for the subh prayer Ubada silenced him, prayed witr and then led them in subh."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ كَانَ عُبَادَةُ بْنُ الصَّامِتِ يَؤُمُّ قَوْمًا فَخَرَجَ يَوْمًا إِلَى الصُّبْحِ فَأَقَامَ الْمُؤَذِّنُ صَلاَةَ الصُّبْحِ فَأَسْكَتَهُ عُبَادَةُ حَتَّى أَوْتَرَ ثُمَّ صَلَّى بِهِمُ الصُّبْحَ .

Sunnah.com reference : Book 7, Hadith 26
USC-MSA web (English) reference : Book 7, Hadith 26
Arabic reference : Book 7, Hadith 280

Yahya related to me from Malik that Abd ar-Rahman ibn al-Qasim said, "I heard Abdullah ibn Amir ibn Rabia say, 'I sometimes pray witr while hearing the iqama, or after the break of dawn.' " Abd ar-Rahman was not certain which he said.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، أَنَّهُ قَالَ سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَامِرِ بْنِ رَبِيعَةَ، يَقُولُ إِنِّي لأُوتِرُ وَأَنَا أَسْمَعُ الإِقَامَةَ، أَوْ بَعْدَ الْفَجْرِ . يَشُكُّ عَبْدُ الرَّحْمَنِ أَىَّ ذَلِكَ قَالَ .

Sunnah.com reference : Book 7, Hadith 27
USC-MSA web (English) reference : Book 7, Hadith 27
Arabic reference : Book 7, Hadith 281

Malik related to me that Abd ar-Rahman ibn al-Qasim heard his father al-Qasim ibn Muhammad say, "I have prayed witr after dawn."

Malik said, "Only a person who oversleeps so that he does not do the witr prays it after dawn. No one should intentionally make his witr after dawn."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، أَنَّهُ سَمِعَ أَبَاهُ الْقَاسِمَ بْنَ مُحَمَّدٍ، يَقُولُ إِنِّي لأُوتِرُ بَعْدَ الْفَجْرِ . قَالَ مَالِكٌ وَإِنَّمَا يُوتِرُ بَعْدَ الْفَجْرِ مَنْ نَامَ عَنِ الْوِتْرِ وَلاَ يَنْبَغِي لأَحَدٍ أَنْ يَتَعَمَّدَ ذَلِكَ حَتَّى يَضَعَ وِتْرَهُ بَعْدَ الْفَجْرِ .

Sunnah.com reference : Book 7, Hadith 28
USC-MSA web (English) reference : Book 7, Hadith 28
Arabic reference : Book 7, Hadith 282

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Hafsa, the wife of the Prophet, may Allah bless him and grant him peace, told him that the Messenger of Allah, may Allah bless him and grant him peace, used to pray two quick rakas when the muadhdhin had finished the adhan for the subh prayer, before the iqama was said for the prayer.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ حَفْصَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم أَخْبَرَتْهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا سَكَتَ الْمُؤَذِّنُ عَنِ الأَذَانِ لِصَلاَةِ الصُّبْحِ صَلَّى رَكْعَتَيْنِ خَفِيفَتَيْنِ قَبْلَ أَنْ تُقَامَ الصَّلاَةُ .

Sunnah.com reference : Book 7, Hadith 29
USC-MSA web (English) reference : Book 7, Hadith 29
Arabic reference : Book 7, Hadith 283

Malik related to me from Yahya ibn Said that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, used to pray the two rakas of the dawn (fajr) so quickly that I would say to myself 'Has he recited the umm al-Qur'an or not?' "

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم قَالَتْ إِنْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم لَيُخَفِّفُ رَكْعَتَىِ الْفَجْرِ حَتَّى إِنِّي لأَقُولُ أَقَرَأَ بِأُمِّ الْقُرْآنِ أَمْ لاَ

Sunnah.com reference : Book 7, Hadith 30
USC-MSA web (English) reference : Book 7, Hadith 30
Arabic reference : Book 7, Hadith 284

Yahya related to me from Malik from Sharik ibn Abdullah ibn Abi Namir that Abu Salama ibn Abd ar-Rahman said, "Some people heard the iqama and started to pray. The Messenger of Allah, may Allah bless him and grant him peace, came out and said, 'Are you doing two prayers at the same time? Are you doing two prayers at the same time?' That was about the subh prayer and the two rakas before subh."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ شَرِيكِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي نَمِرٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّهُ قَالَ سَمِعَ قَوْمٌ الإِقَامَةَ، فَقَامُوا يُصَلُّونَ فَخَرَجَ عَلَيْهِمْ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقَالَ " أَصَلاَتَانِ مَعًا أَصَلاَتَانِ مَعًا " . وَذَلِكَ فِي صَلاَةِ الصُّبْحِ فِي الرَّكْعَتَيْنِ اللَّتَيْنِ قَبْلَ الصُّبْحِ .

Sunnah.com reference : Book 7, Hadith 31
USC-MSA web (English) reference : Book 7, Hadith 31
Arabic reference : Book 7, Hadith 285

Yahya related to me from Malik that he had heard that Abdullah ibn Umar missed the two rakas of dawn, and then did them after the sun rose.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، فَاتَتْهُ رَكْعَتَا الْفَجْرِ فَقَضَاهُمَا بَعْدَ أَنْ طَلَعَتِ الشَّمْسُ ‏.‏

Sunnah.com reference : Book 7, Hadith 32
USC-MSA web (English) reference : Book 7, Hadith 32
Arabic reference : Book 7, Hadith 286

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that al-Qasim ibn Muhammad had done the same as Ibn Umar.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ صَنَعَ مِثْلَ الَّذِي صَنَعَ ابْنُ عُمَرَ ‏.‏

Sunnah.com reference : Book 7, Hadith 33
USC-MSA web (English) reference : Book 7, Hadith 33
Arabic reference : Book 7, Hadith 287

8 - Prayer in Congregation كتاب صلاة الجماعة

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Prayer in congregation is better than the prayer of a man by himself by twenty-seven degrees."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " صَلاَةُ الْجَمَاعَةِ تَفْضُلُ صَلاَةَ الْفَذِّ بِسَبْعٍ وَعِشْرِينَ دَرَجَةً " .

Sunnah.com reference : Book 8, Hadith 1
USC-MSA web (English) reference : Book 8, Hadith 1
Arabic reference : Book 8, Hadith 288

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Prayer in congregation is better than the prayer of one of you on his own by twenty-five parts."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " صَلاَةُ الْجَمَاعَةِ أَفْضَلُ مِنْ صَلاَةِ أَحَدِكُمْ وَحْدَهُ بِخَمْسَةٍ وَعِشْرِينَ جُزْءًا " .

Sunnah.com reference : Book 8, Hadith 2
USC-MSA web (English) reference : Book 8, Hadith 2
Arabic reference : Book 8, Hadith 289

Yahya related to me from Malik from Abu'zZinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "By Him in whose hand myself is! I had in mind to order firewood to be collected, then to order the prayer to be called, and to appoint a man to lead the people in prayer, and then to come up behind certain men and burn their houses down about them! By Him in whose hand myself is! If one of them knew that he would find a meaty bone or two good legs of meat, he would be present at isha."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " وَالَّذِي نَفْسِي بِيَدِهِ لَقَدْ هَمَمْتُ أَنْ آمُرَ بِحَطَبٍ فَيُحْطَبَ ثُمَّ آمُرَ بِالصَّلاَةِ فَيُؤَذَّنَ لَهَا ثُمَّ آمُرَ رَجُلاً فَيَؤُمَّ النَّاسَ ثُمَّ أُخَالِفَ إِلَى رِجَالٍ فَأُحَرِّقَ عَلَيْهِمْ بُيُوتَهُمْ

Sunnah.com reference : Book 8, Hadith 3
USC-MSA web (English) reference : Book 8, Hadith 3
Arabic reference : Book 8, Hadith 290

Yahya related to me from Malik from Abu'n-Nadr, the mawla of Umar ibn Ubaydullah from Yusr ibn Said that Zayd ibn Thabit said, "The most excellent prayer is your prayer in your house, except for the prescribed prayers."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ بُسْرِ بْنِ سَعِيدٍ، أَنَّ زَيْدَ بْنَ ثَابِتٍ، قَالَ أَفْضَلُ الصَّلاَةِ صَلاَتُكُمْ فِي بُيُوتِكُمْ إِلاَّ صَلاَةَ الْمَكْتُوبَةِ .

Sunnah.com reference : Book 8, Hadith 4
USC-MSA web (English) reference : Book 8, Hadith 4
Arabic reference : Book 8, Hadith 291

Yahya related to me from Malik from Abd ar-Rahman ibn Harmala al- Aslami from Said ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, said, "What separates us from the hypocrites is being present at isha and subh. They cannot do it," or words to that effect.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ الأَسْلَمِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " بَيْنَنَا وَبَيْنَ الْمُنَافِقِينَ شُهُودُ الْعِشَاءِ وَالصُّبْحِ لاَ يَسْتَطِيعُونَهُمَا " . أَوْ نَحْوَ هَذَا .

Sunnah.com reference : Book 8, Hadith 5
USC-MSA web (English) reference : Book 8, Hadith 5
Arabic reference : Book 8, Hadith 292

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman from Abu Salih from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a man who is walking along a road finds a branch of thorns on the road and removes it, Allah thanks him for doing it and forgives him."
He also said, "Martyrs are five:
the one killed by a plague, the one killed by a disease of the belly, the one who drowns, the one killed by a collapsing building, and the martyr in the path of Allah.'

He also said, "If people knew what there was in the call to prayer and the first row, and they could find no other way except to draw lots for it, they would draw lots for it. And if they knew what there was in doing dhuhr at its time, they would race each other to it. And if they knew what there was in the prayers of isha and maghrib, they would come to them even if they had to crawl .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " بَيْنَمَا رَجُلٌ يَمْشِي بِطَرِيقٍ إِذْ وَجَدَ غُصْنَ شَوْكٍ عَلَى الطَّرِيقِ فَأَخَّرَهُ فَشَكَرَ اللَّهُ لَهُ فَغَفَرَ لَهُ " .

وَقَالَ " الشُّهَدَاءُ خَمْسَةٌ الْمَطْعُونُ وَالْمَبْطُونُ وَالْغَرِقُ وَصَاحِبُ الْهَدْمِ وَالشَّهِيدُ فِي سَبِيلِ اللَّهِ " .

وَقَالَ " لَوْ يَعْلَمُ النَّاسُ مَا فِي النِّدَاءِ وَالصَّفِّ الأَوَّلِ ثُمَّ لَمْ يَجِدُوا إِلاَّ أَنْ يَسْتَهِمُوا عَلَيْهِ لاَسْتَهَمُوا وَلَوْ يَعْلَمُونَ مَا فِي التَّهْجِيرِ لاَسْتَبَقُوا إِلَيْهِ وَلَوْ يَعْلَمُونَ مَا فِي الْعَتَمَةِ وَالصُّبْحِ لأَتَوْهُمَا وَلَوْ حَبْوًا " .

Sunnah.com reference : Book 8, Hadith 6
USC-MSA web (English) reference : Book 8, Hadith 6
Arabic reference : Book 8, Hadith 293

Yahya related to me from Malik from Ibn Shihab from Abu Bakr ibn Sulayman ibn Abi Hathma that Umar ibn al-Khattab missed Sulayman ibn Abi Hathma in the subh prayer. In the morning he went to the market, and Sulayman's house was between the market and the Prophet's mosque. He passed ash-Shifa, Sulayman's mother, and said to her, "I did not see Sulayman at subh." She replied, "He spent the night in prayer and his eyes overcame him. Umar said, "I would rather be present at subh than stand the whole night in prayer.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ سُلَيْمَانَ بْنِ أَبِي حَثْمَةَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، فَقَدَ سُلَيْمَانَ بْنَ أَبِي حَثْمَةَ فِي صَلاَةِ الصُّبْحِ وَأَنَّ عُمَرَ بْنَ الْخَطَّابِ غَدَا إِلَى السُّوقِ - وَمَسْكَنُ سُلَيْمَانَ بَيْنَ السُّوقِ وَالْمَسْجِدِ النَّبَوِيِّ - فَمَرَّ عَلَى الشِّفَاءِ أُمِّ

سُلَيْمَانَ فَقَالَ لَهَا لَمْ أَرَ سُلَيْمَانَ فِي الصُّبْحِ فَقَالَتْ إِنَّهُ بَاتَ يُصَلِّي فَغَلَبَتْهُ عَيْنَاهُ . فَقَالَ عُمَرُ لأَنْ أَشْهَدَ صَلاَةَ الصُّبْحِ فِي الْجَمَاعَةِ أَحَبُّ إِلَيَّ مِنْ أَنْ أَقُومَ لَيْلَةً .

Sunnah.com reference : Book 8, Hadith 7
USC-MSA web (English) reference : Book 8, Hadith 7
Arabic reference : Book 8, Hadith 296

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Ibrahim that Abd ar-Rahman ibn Abi Amra al-Ansari said that Uthman ibn Affan came to the isha prayer and seeing only a few people in the mosque, he lay down at the back of the mosque to wait for the number of people to increase. Ibn Abi Amra went and sat down beside him and Uthman asked him who he was, so he told him. Uthman said, "What have you memorised of the Qur'an?", and he told him. Uthman said, "If someone is present at isha, it is as if he had stood in prayer for half a night, and if some one is present at subh, it is as if he had stood in prayer for a whole night.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَمْرَةَ الأَنْصَارِيِّ، أَنَّهُ قَالَ جَاءَ عُثْمَانُ بْنُ عَفَّانَ إِلَى صَلاَةِ الْعِشَاءِ فَرَأَى أَهْلَ الْمَسْجِدِ قَلِيلاً فَاضْطَجَعَ فِي مُؤَخَّرِ الْمَسْجِدِ يَنْتَظِرُ النَّاسَ أَنْ يَكْثُرُوا فَأَتَاهُ ابْنُ أَبِي عَمْرَةَ فَجَلَسَ إِلَيْهِ فَسَأَلَهُ مَنْ هُوَ فَأَخْبَرَهُ فَقَالَ مَا مَعَكَ مِنَ الْقُرْآنِ فَأَخْبَرَهُ . فَقَالَ لَهُ عُثْمَانُ مَنْ شَهِدَ الْعِشَاءَ فَكَأَنَّمَا قَامَ نِصْفَ لَيْلَةٍ وَمَنْ شَهِدَ الصُّبْحَ فَكَأَنَّمَا قَامَ لَيْلَةً .

Sunnah.com reference : Book 8, Hadith 8
USC-MSA web (English) reference : Book 8, Hadith 8
Arabic reference : Book 8, Hadith 297

Yahya related to me from Malik from Zayd ibn Aslam from a man of the Bani'd-Dil called Busr ibn Mihjan from his father Mihjan that he was in a gathering with the Messenger of Allah, may Allah bless him and grant him peace, and the call to prayer was made. The Messenger of Allah, may Allah bless him and grant him peace, rose and prayed and then returned. Mihjan remained sitting and did not pray with him. The Messenger of Allah, may Allah bless him and grant him peace, said, "What prevented you from praying with the people? Aren't you a muslim?" He said, "Of course, Messenger of Allah, but I have already prayed with my family." The Messenger of Allah, may Allah bless him and grant him peace, said, "When you come, pray with the people, even if you have prayed already."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ رَجُلٍ، مِنْ بَنِي الدِّيلِ يُقَالُ لَهُ بُسْرُ بْنُ مِحْجَنٍ عَنْ أَبِيهِ، مِحْجَنٍ أَنَّهُ كَانَ فِي مَجْلِسٍ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فَأُذِّنَ بِالصَّلاَةِ فَقَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَصَلَّى ثُمَّ رَجَعَ وَمِحْجَنٌ فِي مَجْلِسِهِ لَمْ يُصَلِّ مَعَهُ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا مَنَعَكَ أَنْ تُصَلِّيَ مَعَ النَّاسِ أَلَسْتَ بِرَجُلٍ مُسْلِمٍ " . فَقَالَ بَلَى يَا رَسُولَ اللَّهِ وَلَكِنِّي قَدْ صَلَّيْتُ فِي أَهْلِي . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِذَا جِئْتَ فَصَلِّ مَعَ النَّاسِ وَإِنْ كُنْتَ قَدْ صَلَّيْتَ " .

Sunnah.com reference : Book 8, Hadith 9
USC-MSA web (English) reference : Book 8, Hadith 9
Arabic reference : Book 8, Hadith 298

Yahya related to me from Malik from Nafi that a man asked Abdullah ibn Umar, "Sometimes I pray in my house, and then catch the prayer with the imam. Should I pray with him?" Abdullah ibn Umar said to him, "Yes," and the man said, "Which of them do I make my prayer?" Abdullah ibn Umar said, "Is that up to you? It is up to Allah. He will decide on whichever of them He wishes."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ رَجُلاً، سَأَلَ عَبْدَ اللَّهِ بْنَ عُمَرَ فَقَالَ إِنِّي أُصَلِّي فِي بَيْتِي ثُمَّ أُدْرِكُ الصَّلاَةَ مَعَ الإِمَامِ أَفَأُصَلِّي مَعَهُ فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ عُمَرَ نَعَمْ . فَقَالَ الرَّجُلُ أَيَّتَهُمَا أَجْعَلُ صَلاَتِي فَقَالَ لَهُ ابْنُ عُمَرَ أَوَذَلِكَ إِلَيْكَ إِنَّمَا ذَلِكَ إِلَى اللَّهِ يَجْعَلُ أَيَّتَهُمَا شَاءَ .

Sunnah.com reference : Book 8, Hadith 10
USC-MSA web (English) reference : Book 8, Hadith 10
Arabic reference : Book 8, Hadith 299

Yahya related to me from Malik from Yahya ibn Said that a man asked Said ibn al-Musayyab, "I pray in my house, and then I come to the mosque and find the imam praying. Should I pray with him?" Said said, "Yes," and the man said, "Which of them is my prayer?" Said said, "Are you the one to decide that? That is up to Allah."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَجُلاً، سَأَلَ سَعِيدَ بْنَ الْمُسَيَّبِ فَقَالَ إِنِّي أُصَلِّي فِي بَيْتِي ثُمَّ آتِي الْمَسْجِدَ فَأَجِدُ الإِمَامَ يُصَلِّي أَفَأُصَلِّي مَعَهُ فَقَالَ سَعِيدٌ نَعَمْ . فَقَالَ الرَّجُلُ فَأَيُّهُمَا صَلاَتِي فَقَالَ سَعِيدٌ أَوَأَنْتَ تَجْعَلُهُمَا إِنَّمَا ذَلِكَ إِلَى اللَّهِ .

Sunnah.com reference : Book 8, Hadith 11
USC-MSA web (English) reference : Book 8, Hadith 11
Arabic reference : Book 8, Hadith 300

Yahya related to me from Malik from Afif as-Sahmi that a man from the tribe of Bani Asad asked Abu Ayyub al-Ansari. "Sometimes I pray in my house, and then come to the mosque and find the imam praying. Should I pray with him?" Abu Ayyub said, "Yes, pray with him, for some one who does so has the reward of the group, or the equivalent of the reward of the group."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَفِيفٍ السَّهْمِيِّ، عَنْ رَجُلٍ، مِنْ بَنِي أَسَدٍ أَنَّهُ سَأَلَ أَبَا أَيُّوبَ الأَنْصَارِيَّ فَقَالَ إِنِّي أُصَلِّي فِي بَيْتِي ثُمَّ آتِي الْمَسْجِدَ فَأَجِدُ الإِمَامَ يُصَلِّي أَفَأُصَلِّي مَعَهُ فَقَالَ أَبُو أَيُّوبَ نَعَمْ فَصَلِّ مَعَهُ فَإِنَّ مَنْ صَنَعَ ذَلِكَ فَإِنَّ لَهُ سَهْمَ جَمْعٍ أَوْ مِثْلَ سَهْمِ جَمْعٍ .

Sunnah.com reference : Book 8, Hadith 12
USC-MSA web (English) reference : Book 8, Hadith 12
Arabic reference : Book 8, Hadith 301

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Someone who prays maghrib or subh and then catches them with the imam should not repeat them."

Malik said, "I do not see any harm in someone who has already prayed in his house praying with the imam, except for maghrib, because if he repeats it, he makes it even."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ مَنْ صَلَّى الْمَغْرِبَ أَوِ الصُّبْحَ ثُمَّ أَدْرَكَهُمَا مَعَ الإِمَامِ فَلاَ يَعُدْ لَهُمَا . قَالَ مَالِكٌ وَلاَ أَرَى بَأْسًا أَنْ يُصَلِّيَ مَعَ الإِمَامِ مَنْ كَانَ قَدْ صَلَّى فِي بَيْتِهِ إِلاَّ صَلاَةَ الْمَغْرِبِ فَإِنَّهُ إِذَا أَعَادَهَا كَانَتْ شَفْعًا .

Sunnah.com reference : Book 8, Hadith 13
USC-MSA web (English) reference : Book 8, Hadith 13
Arabic reference : Book 8, Hadith 302

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you lead people in the prayer, make it short, because there are among them some people who are weak, ill and old. But when you pray on your own, make it as long as you wish."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا صَلَّى أَحَدُكُمْ بِالنَّاسِ فَلْيُخَفِّفْ فَإِنَّ فِيهِمُ الضَّعِيفَ وَالسَّقِيمَ وَالْكَبِيرَ وَإِذَا صَلَّى أَحَدُكُمْ لِنَفْسِهِ فَلْيُطَوِّلْ مَا شَاءَ " .

Sunnah.com reference : Book 8, Hadith 14
USC-MSA web (English) reference : Book 8, Hadith 14
Arabic reference : Book 8, Hadith 303

Yahya related to me from Malik that Nafi said, "I stood behind Abdullah ibn Umar in one of the prayers when there was no one else with him, and he reached behind with his hand and placed me beside him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّهُ قَالَ قُمْتُ وَرَاءَ عَبْدِ اللَّهِ بْنِ عُمَرَ فِي صَلاَةٍ مِنَ الصَّلَوَاتِ وَلَيْسَ مَعَهُ أَحَدٌ غَيْرِي فَخَالَفَ عَبْدُ اللَّهِ بِيَدِهِ فَجَعَلَنِي حِذَاءَهُ .

Sunnah.com reference : Book 8, Hadith 15
USC-MSA web (English) reference : Book 8, Hadith 15
Arabic reference : Book 8, Hadith 304

Yahya related to me from Malik from Yahya ibn Said that a man used to lead the people in prayer in al-Aqiq (a place near Madina), and Umar ibn Abd al-Aziz sent a message to him forbidding him to do so.

Malik said, "He only forbade him because his father was not known."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَجُلاً، كَانَ يَؤُمُّ النَّاسَ بِالْعَقِيقِ فَأَرْسَلَ إِلَيْهِ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ فَنَهَاهُ . قَالَ مَالِكٌ وَإِنَّمَا نَهَاهُ لأَنَّهُ كَانَ لاَ يُعْرَفُ أَبُوهُ .

Sunnah.com reference : Book 8, Hadith 16
USC-MSA web (English) reference : Book 8, Hadith 16
Arabic reference : Book 8, Hadith 305

Yahya related to me from Malik from Ibn Shihab from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, fell off his horse when riding, and his right side was scraped, so he did one of the prayers sitting, and we prayed behind him sitting. When he left, he said, "The imam is appointed to be followed. If he prays standing, then pray standing, and when he goes into ruku, go into ruku, and when he rises, rise, and when he says, 'Allah hears whoever praises him,' say, 'Our Lord, praise belongs to You,' and if he prays sitting, then all of you pray sitting."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم رَكِبَ فَرَسًا فَصُرِعَ فَجُحِشَ شِقُّهُ الأَيْمَنُ فَصَلَّى صَلاَةً مِنَ الصَّلَوَاتِ وَهُوَ قَاعِدٌ وَصَلَّيْنَا وَرَاءَهُ قُعُودًا فَلَمَّا انْصَرَفَ قَالَ " إِنَّمَا جُعِلَ الإِمَامُ لِيُؤْتَمَّ بِهِ فَإِذَا صَلَّى قَائِمًا فَصَلُّوا قِيَامًا وَإِذَا رَكَعَ فَارْكَعُوا وَإِذَا رَفَعَ فَارْفَعُوا وَإِذَا قَالَ سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ فَقُولُوا رَبَّنَا وَلَكَ الْحَمْدُ وَإِذَا صَلَّى جَالِسًا فَصَلُّوا جُلُوسًا أَجْمَعُونَ " .

Sunnah.com reference : Book 8, Hadith 17
USC-MSA web (English) reference : Book 8, Hadith 17
Arabic reference : Book 8, Hadith 306

8 - Prayer in Congregation كتاب صلاة الجماعة

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, prayed while he was ill. He prayed sitting, and some people prayed behind him standing, and he indicated to them to sit down. When he left, he said, 'The imam is only appointed to be followed. When he goes into ruku, go into ruku and when he rises, rise and if he prays sitting, pray sitting .' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ صَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم وَهُوَ شَاكٍ فَصَلَّى جَالِسًا وَصَلَّى وَرَاءَهُ قَوْمٌ قِيَامًا فَأَشَارَ إِلَيْهِمْ أَنِ اجْلِسُوا فَلَمَّا انْصَرَفَ قَالَ " إِنَّمَا جُعِلَ الإِمَامُ لِيُؤْتَمَّ بِهِ فَإِذَا رَكَعَ فَارْكَعُوا وَإِذَا رَفَعَ فَارْفَعُوا وَإِذَا صَلَّى جَالِسًا فَصَلُّوا جُلُوسًا " .

Sunnah.com reference : Book 8, Hadith 18
USC-MSA web (English) reference : Book 8, Hadith 18
Arabic reference : Book 8, Hadith 307

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, came out during his illness, and approached and found Abu Bakr standing, leading the people in prayer. Abu Bakr began to go back, but the Messenger of Allah, may Allah bless him and grant him peace, indicated to him to stay where he was. The Messenger of Allah, may Allah bless him and grant him peace, sat by the side of Abu Bakr, and Abu Bakr prayed following the prayer of the Messenger of Allah, may Allah bless him and grant him peace, who was sitting, and the people prayed following the prayer of Abu Bakr.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم خَرَجَ فِي مَرَضِهِ فَأَتَى فَوَجَدَ أَبَا بَكْرٍ وَهُوَ قَائِمٌ يُصَلِّي بِالنَّاسِ فَاسْتَأْخَرَ أَبُو بَكْرٍ فَأَشَارَ إِلَيْهِ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ كَمَا أَنْتَ فَجَلَسَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِلَى جَنْبِ أَبِي بَكْرٍ فَكَانَ أَبُو بَكْرٍ يُصَلِّي بِصَلاَةِ رَسُولِ اللَّهِ صلى الله عليه وسلم وَهُوَ جَالِسٌ وَكَانَ النَّاسُ يُصَلُّونَ بِصَلاَةِ أَبِي بَكْرٍ .

Sunnah.com reference : Book 8, Hadith 19
USC-MSA web (English) reference : Book 8, Hadith 19
Arabic reference : Book 8, Hadith 308

Yahya related to me from Malik from Ismail ibn Muhammad ibn Said ibn Abi Waqqas from a mawla of Amr ibn al-As or of Abdullah ibn Amr ibn al-As that the Messenger of Allah, may Allah bless him and grant him peace, said, "The prayer of one of you sitting down is only equal to half the prayer of one of you when he is standing."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ إِسْمَاعِيلَ بْنِ مُحَمَّدِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ، عَنْ مَوْلًى، لِعَمْرِو بْنِ الْعَاصِ - أَوْ لِعَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ - عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " صَلاَةُ أَحَدِكُمْ وَهُوَ قَاعِدٌ مِثْلُ نِصْفِ صَلاَتِهِ وَهُوَ قَائِمٌ " .

Sunnah.com reference : Book 8, Hadith 20
USC-MSA web (English) reference : Book 8, Hadith 20
Arabic reference : Book 8, Hadith 309

Yahya related to me from Malik from Ibn Shihab that Abdullah ibn Amr ibn al As said, "When we arrived at Madina we were struck down by a severe epidemic which debilitated us greatly. The Messenger of Allah, may Allah bless him

and grant him peace, came out to the people while they were praying nawafil prayers sitting down. The Messenger of Allah, may Allah bless him and grant him peace, said, 'The prayer of the one sitting is equal to only half the prayer of the one standing.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ، أَنَّهُ قَالَ لَمَّا قَدِمْنَا الْمَدِينَةَ نَالَنَا وَبَاءٌ مِنْ وَعْكِهَا شَدِيدٌ فَخَرَجَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَلَى النَّاسِ وَهُمْ يُصَلُّونَ فِي سُبْحَتِهِمْ قُعُودًا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " صَلاَةُ الْقَاعِدِ مِثْلُ نِصْفِ صَلاَةِ الْقَائِمِ " .

Sunnah.com reference : Book 8, Hadith 21
USC-MSA web (English) reference : Book 8, Hadith 21
Arabic reference : Book 8, Hadith 310

Yahya related to me from Malik from Ibn Shihab from as-Sa'ib ibn Yazid from al Muttalib ibn Abi Wadaa as-Sahmi that Hafsa, the wife of the Prophet, may Allah bless him and grant him peace, said, "I never saw the Messenger of Allah, may Allah bless him and grant him peace, praying nawafil sitting, until a year before his death, when he began to pray them sitting. He would recite the sura with a measured slowness so that it would seem to be longer than other suras which were actually longer than it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ السَّائِبِ بْنِ يَزِيدَ، عَنِ الْمُطَّلِبِ بْنِ أَبِي وَدَاعَةَ السَّهْمِيِّ، عَنْ حَفْصَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ مَا رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم صَلَّى فِي سُبْحَتِهِ قَاعِدًا قَطُّ حَتَّى كَانَ قَبْلَ وَفَاتِهِ بِعَامٍ فَكَانَ يُصَلِّي فِي سُبْحَتِهِ قَاعِدًا وَيَقْرَأُ بِالسُّورَةِ فَيُرَتِّلُهَا حَتَّى تَكُونَ أَطْوَلَ مِنْ أَطْوَلَ مِنْهَا .

Sunnah.com reference : Book 8, Hadith 22
USC-MSA web (English) reference : Book 8, Hadith 22
Arabic reference : Book 8, Hadith 311

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, told him that she had never seen the Messenger of Allah, may Allah bless him and grant him peace, doing night prayers sitting down until he was getting on in years. He would recite sitting down until when he wanted to go into ruku, he would stand up and recite about thirty or forty ayats and then go into ruku.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا أَخْبَرَتْهُ أَنَّهَا لَمْ تَرَ رَسُولَ اللَّهِ صلى الله عليه وسلم يُصَلِّي صَلاَةَ اللَّيْلِ قَاعِدًا قَطُّ حَتَّى أَسَنَّ فَكَانَ يَقْرَأُ قَاعِدًا حَتَّى إِذَا أَرَادَ أَنْ يَرْكَعَ قَامَ فَقَرَأَ نَحْوًا مِنْ ثَلاَثِينَ أَوْ أَرْبَعِينَ آيَةً ثُمَّ رَكَعَ .

Sunnah.com reference : Book 8, Hadith 23
USC-MSA web (English) reference : Book 8, Hadith 23
Arabic reference : Book 8, Hadith 312

Yahya related to me from Malik from Abdullah ibn Yazid al-Madani and from Abu'n Nadr from Abu Salama ibn Abd ar-Rahman from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, used to pray sitting. He would recite sitting, and then, when about thirty or forty ayats of what he was reciting remained, he would stand up and recite standing and then go into ruku and sajda. He would do the same in the second raka.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ الْمَدَنِيِّ، وَعَنْ أَبِي النَّضْرِ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُصَلِّي جَالِسًا فَيَقْرَأُ وَهُوَ جَالِسٌ فَإِذَا بَقِيَ مِنْ قِرَاءَتِهِ قَدْرُ مَا يَكُونُ ثَلاَثِينَ أَوْ أَرْبَعِينَ آيَةً قَامَ فَقَرَأَ وَهُوَ قَائِمٌ ثُمَّ رَكَعَ وَسَجَدَ ثُمَّ صَنَعَ فِي الرَّكْعَةِ الثَّانِيَةِ مِثْلَ ذَلِكَ .

Sunnah.com reference : Book 8, Hadith 24
USC-MSA web (English) reference : Book 8, Hadith 24
Arabic reference : Book 8, Hadith 313

Yahya related to me from Malik that he had heard that Urwa ibn az-Zubayr and Said ibn al-Musayyab used to pray voluntary prayers sitting.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُرْوَةَ بْنَ الزُّبَيْرِ، وَسَعِيدَ بْنَ الْمُسَيَّبِ، كَانَا يُصَلِّيَانِ النَّافِلَةَ وَهُمَا مُحْتَبِيَانِ .

Sunnah.com reference : Book 8, Hadith 25
USC-MSA web (English) reference : Book 8, Hadith 25
Arabic reference : Book 8, Hadith 314

Yahya related to me from Malik from Zayd ibn Aslam from al-Qaqa ibn Hakim that Abu Yunus, the mawla of A'isha, umm al-muminin said, "A'isha ordered me to write out a Qur'an for her. She said, 'When you reach this ayat, let me know, "Guard the prayers carefully and the middle prayer and stand obedient to Allah." ' When I reached it I told her, and she dictated to me, 'Guard the prayers carefully and the middle prayer and the asr prayer and stand obedient to Allah.' A'isha said, 'I heard it from the Messenger of Allah, may Allah bless him and grant him peace.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنِ الْقَعْقَاعِ بْنِ حَكِيمٍ، عَنْ أَبِي يُونُسَ، مَوْلَى عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهُ قَالَ أَمَرَتْنِي عَائِشَةُ أَنْ أَكْتُبَ لَهَا مُصْحَفًا ثُمَّ قَالَتْ إِذَا بَلَغْتَ هَذِهِ الآيَةَ فَآذِنِّي {حَافِظُوا عَلَى الصَّلَوَاتِ وَالصَّلاَةِ الْوُسْطَى وَقُومُوا لِلَّهِ قَانِتِينَ} فَلَمَّا بَلَغْتُهَا آذَنْتُهَا فَأَمْلَتْ عَلَىَّ حَافِظُوا عَلَى الصَّلَوَاتِ وَالصَّلاَةِ الْوُسْطَى وَصَلاَةِ الْعَصْرِ وَقُومُوا لِلَّهِ قَانِتِينَ قَالَتْ عَائِشَةُ سَمِعْتُهَا مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم .

Sunnah.com reference : Book 8, Hadith 26
USC-MSA web (English) reference : Book 8, Hadith 26
Arabic reference : Book 8, Hadith 315

Yahya related to me from Malik from Zayd ibn Aslam that Amr ibn Rafi said, "I was writing a Qur'an for Hafsa, umm al-muminin, and she said, 'When you reach this ayat, let me know, "Guard the prayers carefully and the middle prayer and stand obedient to Allah." When I reached it I told her and she dictated to me, 'Guard the prayers carefully and the middle prayer and the asr prayer and stand obedient to Allah.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَمْرِو بْنِ رَافِعٍ، أَنَّهُ قَالَ كُنْتُ أَكْتُبُ مُصْحَفًا لِحَفْصَةَ أُمِّ الْمُؤْمِنِينَ فَقَالَتْ إِذَا بَلَغْتَ هَذِهِ الآيَةَ فَآذِنِّي {حَافِظُوا عَلَى الصَّلَوَاتِ وَالصَّلاَةِ الْوُسْطَى وَقُومُوا لِلَّهِ قَانِتِينَ } فَلَمَّا بَلَغْتُهَا آذَنْتُهَا فَأَمْلَتْ عَلَىَّ حَافِظُوا عَلَى الصَّلَوَاتِ وَالصَّلاَةِ الْوُسْطَى وَصَلاَةِ الْعَصْرِ وَقُومُوا لِلَّهِ قَانِتِينَ .

Sunnah.com reference : Book 8, Hadith 27
USC-MSA web (English) reference : Book 8, Hadith 27
Arabic reference : Book 8, Hadith 316

8 - Prayer in Congregation كتاب صلاة الجماعة

Yahya related to me from Malik from Da'ud ibn al-Husayn that Ibn Yarbu al-Makhzumi said, "I heard Zayd ibn Thabit say, 'The middle prayer is the prayer of dhuhr.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنِ ابْنِ يَرْبُوعٍ الْمَخْزُومِيِّ، أَنَّهُ قَالَ سَمِعْتُ زَيْدَ بْنَ ثَابِتٍ، يَقُولُ الصَّلاَةُ الْوُسْطَى صَلاَةُ الظُّهْرِ.

Sunnah.com reference : Book 8, Hadith 28
USC-MSA web (English) reference : Book 8, Hadith 28
Arabic reference : Book 8, Hadith 317

Yahya related to me from Malik that he had heard that AIi ibn Abi Talib and Abdullah ibn Abbas used to say, "The middle prayer is the prayer of subh."

Malik said, "Out of all that I have heard about the matter, I prefer what Ali ibn Abi Talib and Abdullah ibn Abbas said."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ، وَعَبْدَ اللَّهِ بْنَ عَبَّاسٍ، كَانَا يَقُولاَنِ الصَّلاَةُ الْوُسْطَى صَلاَةُ الصُّبْحِ . قَالَ مَالِكٌ وَقَوْلُ عَلِيٍّ وَابْنِ عَبَّاسٍ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ .

Sunnah.com reference : Book 8, Hadith 29
USC-MSA web (English) reference : Book 8, Hadith 29
Arabic reference : Book 8, Hadith 318

Yahya related to me from Malik from Hisham ibn Urwa from his father that Umar ibn Abi Salama saw the Messenger of Allah, may Allah bless him and grant him peace, praying in one garment in the house of Umm Salama. He was completely covered by it, and had put both ends over his shoulders.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ، أَنَّهُ رَأَى رَسُولَ اللَّهِ صلى الله عليه وسلم يُصَلِّي فِي ثَوْبٍ وَاحِدٍ مُشْتَمِلاً بِهِ فِي بَيْتِ أُمِّ سَلَمَةَ وَاضِعًا طَرَفَيْهِ عَلَى عَاتِقَيْهِ .

Sunnah.com reference : Book 8, Hadith 30
USC-MSA web (English) reference : Book 8, Hadith 30
Arabic reference : Book 8, Hadith 319

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab from Abu Hurayra that some one asked the Messenger of Allah, may Allah bless him and grant him peace about praying in one garment. The Messenger of Allah, may Allah bless him and grant him peace, said, "Do you all have two garments?"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ سَائِلاً، سَأَلَ رَسُولَ اللَّهِ صلى الله عليه وسلم عَنِ الصَّلاَةِ فِي ثَوْبٍ وَاحِدٍ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَوَلِكُلِّكُمْ ثَوْبَانِ " .

Sunnah.com reference : Book 8, Hadith 31
USC-MSA web (English) reference : Book 8, Hadith 31
Arabic reference : Book 8, Hadith 320

Yahya related to me from Malik from Ibn Shihab that Said ibn al- Musayyab said that Abu Hurayra was asked, "May a man pray in one garment?" He said, "Yes." The man then said to him "Do you do that?" and he replied, "Yes, I pray in one garment while my clothes are on the clothes-rack."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ سُئِلَ أَبُو هُرَيْرَةَ هَلْ يُصَلِّي الرَّجُلُ فِي ثَوْبٍ وَاحِدٍ فَقَالَ نَعَمْ . فَقِيلَ لَهُ هَلْ تَفْعَلُ أَنْتَ ذَلِكَ فَقَالَ نَعَمْ إِنِّي لأُصَلِّي فِي ثَوْبٍ وَاحِدٍ وَإِنَّ ثِيَابِي لَعَلَى الْمِشْجَبِ .

Sunnah.com reference : Book 8, Hadith 32
USC-MSA web (English) reference : Book 8, Hadith 32
Arabic reference : Book 8, Hadith 321

Yahya related to me from Malik that he had heard that Jabir ibn Abdullah used to pray in one garment.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ، كَانَ يُصَلِّي فِي الثَّوْبِ الْوَاحِدِ .

Sunnah.com reference : Book 8, Hadith 33
USC-MSA web (English) reference : Book 8, Hadith 33
Arabic reference : Book 8, Hadith 322

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that Muhammad ibn Amr ibn Hazm used to pray in a single long shirt.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ مُحَمَّدَ بْنَ عَمْرِو بْنِ حَزْمٍ، كَانَ يُصَلِّي فِي الْقَمِيصِ الْوَاحِدِ .

Sunnah.com reference : Book 8, Hadith 34
USC-MSA web (English) reference : Book 8, Hadith 34
Arabic reference : Book 8, Hadith 323

Yahya related to me from Malik that he had heard from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, said, "Let anyone who cannot find two garments pray in one garment and wrap himself in it, and if the garment is short, let him wrap it around his waist."

Malik said, "In my view it is preferable for someone who prays in a single shirt to put a garment or a turban over his shoulders."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ لَمْ يَجِدْ ثَوْبَيْنِ فَلْيُصَلِّ فِي ثَوْبٍ وَاحِدٍ مُلْتَحِفًا بِهِ فَإِنْ كَانَ الثَّوْبُ قَصِيرًا فَلْيَتَّزِرْ بِهِ " .

Sunnah.com reference : Book 8, Hadith 35
USC-MSA web (English) reference : Book 8, Hadith 35
Arabic reference : Book 8, Hadith 324

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to pray in a shift and head-covering.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تُصَلِّي فِي الدِّرْعِ وَالْخِمَارِ .

Sunnah.com reference : Book 8, Hadith 36
USC-MSA web (English) reference : Book 8, Hadith 36
Arabic reference : Book 8, Hadith 325

Yahya related to me from Malik from Muhammad ibn Zayd ibn Qunfudh that his mother asked Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, "What clothes can a woman wear in prayer?" She said, "She can pray in a shift that reaches down and covers the top of her feet."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ زَيْدِ بْنِ قُنْفُذٍ، عَنْ أُمِّهِ، أَنَّهَا سَأَلَتْ أُمَّ سَلَمَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم مَاذَا تُصَلِّي فِيهِ الْمَرْأَةُ مِنَ الثِّيَابِ فَقَالَتْ تُصَلِّي فِي الْخِمَارِ وَالدِّرْعِ السَّابِغِ إِذَا غَيَّبَ ظُهُورَ قَدَمَيْهَا ‏.‏

Sunnah.com reference : Book 8, Hadith 37
USC-MSA web (English) reference : Book 8, Hadith 37
Arabic reference : Book 8, Hadith 326

Yahya related to me from Malik from a reliable source from Bukayr ibn Abdullah ibn al-Ashajj from Busr ibn Said that when Ubaydullah ibn al-Aswad al-Khawlani was in the room of Maimuna, the wife of the Prophet, may Allah bless him and grant him peace, she used to pray in a shift and head-covering, without a waist-wrapper.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الثِّقَةِ، عِنْدَهُ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الأَشَجِّ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ الأَسْوَدِ الْخَوْلاَنِيِّ، وَكَانَ، فِي حَجْرِ مَيْمُونَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ مَيْمُونَةَ كَانَتْ تُصَلِّي فِي الدِّرْعِ وَالْخِمَارِ لَيْسَ عَلَيْهَا إِزَارٌ ‏.‏

Sunnah.com reference : Book 8, Hadith 38
USC-MSA web (English) reference : Book 8, Hadith 38
Arabic reference : Book 8, Hadith 327

Yahya related to me from Malik from Hisham ibn Urwa from his father that a woman asked him for a decision, saying, "Waist-wrappers are painful to me. Can I pray in a shift and head-covering?" He replied, "Yes, if the shift is long."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ امْرَأَةً، اسْتَفْتَتْهُ فَقَالَتْ إِنَّ الْمِنْطَقَ يَشُقُّ عَلَىَّ أَفَأُصَلِّي فِي دِرْعٍ وَخِمَارٍ فَقَالَ نَعَمْ إِذَا كَانَ الدِّرْعُ سَابِغًا ‏.‏

Sunnah.com reference : Book 8, Hadith 39
USC-MSA web (English) reference : Book 8, Hadith 39
Arabic reference : Book 8, Hadith 328

9 - Shortening the Prayer كتاب قصر الصلاة فى السفر

Yahya related to me from Malik from Da'ud ibn al-Husayn from al- Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, joined dhuhr and asr on his journey to Tabuk.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَجْمَعُ بَيْنَ الظُّهْرِ وَالْعَصْرِ فِي سَفَرِهِ إِلَى تَبُوكَ .

USC-MSA web (English) reference : Book 9, Hadith 1
Arabic reference : Book 9, Hadith 329

Yahya related to me from Malik from Abu'z-Zubayr al-Makki from Abu't-Tufayl Amir ibn Wathila that Muadh ibn Jabal told him that they went out with the Messenger of Allah, may Allah bless him and grant him peace, in the year of Tabuk, and the Messenger of Allah, may Allah bless him and grant him peace, joined dhuhr with asr and maghrib with isha. Muadh said, "One day he delayed the prayer, and then came out and prayed dhuhr and asr together. Then he said, 'Tomorrow you will come, insha' llah, to the spring of Tabuk. But you will not get there until well into the morning. No one who arrives should touch any of its water until I come.' We came to it and two men had got to it before us and the spring was dripping with a little water. The Messenger of Allah, may Allah bless him and grant him peace, asked them, 'Have you touched any of its water?' They said, 'Yes.' The Messenger of Allah, may Allah bless him and grant him peace, reviled them and said what Allah wished him to say. Then they took water with their hands from the spring little by little until it had been collected in something. Then the Messenger of Allah, may Allah bless him and grant him peace, washed his face and hands in it. Then he put it back into the spring and the spring flowed with an abundance of water and the people drew water from it. The Messenger of Allah, may Allah bless him and grant him peace, said, 'If you live long enough, Muadh, you will soon see this place filled with gardens.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، عَنْ أَبِي الطُّفَيْلِ، عَامِرِ بْنِ وَاثِلَةَ أَنَّ مُعَاذَ بْنَ جَبَلٍ، أَخْبَرَهُ أَنَّهُمْ، خَرَجُوا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ تَبُوكَ فَكَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَجْمَعُ بَيْنَ الظُّهْرِ وَالْعَصْرِ وَالْمَغْرِبِ وَالْعِشَاءِ - قَالَ - فَأَخَّرَ الصَّلاَةَ يَوْمًا ثُمَّ خَرَجَ فَصَلَّى الظُّهْرَ وَالْعَصْرَ جَمِيعًا ثُمَّ دَخَلَ ثُمَّ خَرَجَ فَصَلَّى الْمَغْرِبَ وَالْعِشَاءَ جَمِيعًا ثُمَّ قَالَ "إِنَّكُمْ سَتَأْتُونَ غَدًا إِنْ شَاءَ اللَّهُ عَيْنَ تَبُوكَ وَإِنَّكُمْ لَنْ تَأْتُوهَا حَتَّى يَضْحَى النَّهَارُ فَمَنْ جَاءَهَا فَلاَ يَمَسَّ مِنْ مَائِهَا شَيْئًا حَتَّى آتِيَ " . فَجِئْنَاهَا وَقَدْ سَبَقَنَا إِلَيْهَا رَجُلاَنِ وَالْعَيْنُ تَبِضُّ بِشَىْءٍ مِنْ مَاءٍ فَسَأَلَهُمَا رَسُولُ اللَّهِ صلى الله عليه وسلم " هَلْ مَسِسْتُمَا مِنْ مَائِهَا شَيْئًا " . فَقَالاَ نَعَمْ . فَسَبَّهُمَا رَسُولُ اللَّهِ صلى الله عليه وسلم وَقَالَ لَهُمَا مَا شَاءَ اللَّهُ أَنْ يَقُولَ ثُمَّ غَرَفُوا بِأَيْدِيهِمْ مِنَ الْعَيْنِ قَلِيلاً قَلِيلاً حَتَّى اجْتَمَعَ فِي شَىْءٍ ثُمَّ غَسَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم فِيهِ وَجْهَهُ وَيَدَيْهِ ثُمَّ أَعَادَهُ فِيهَا فَجَرَتِ الْعَيْنُ بِمَاءٍ كَثِيرٍ فَاسْتَقَى النَّاسُ ثُمَّ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " يُوشِكُ يَا مُعَاذُ إِنْ طَالَتْ بِكَ حَيَاةٌ أَنْ تَرَى هَا هُنَا قَدْ مُلِئَ جِنَانًا " .

USC-MSA web (English) reference : Book 9, Hadith 2
Arabic reference : Book 9, Hadith 330

3 Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "The Messenger of Allah, may Allah bless him and grant him peace, used to join maghrib and isha together when it was urgent to travel."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، قَالَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِذَا عَجِلَ بِهِ السَّيْرُ يَجْمَعُ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ .

USC-MSA web (English) reference : Book 9, Hadith 3
Arabic reference : Book 9, Hadith 331

Yahya related to me from Malik from Abu'z Zubayr al-Makki from Said ibn Jubayr that Abdullah ibn Abbas said, "The Messenger of Allah, may Allah bless him and grant him peace, prayed dhuhr and asr together and maghrib and isha together, and not out of fear nor because of travelling."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ قَالَ صَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم الظُّهْرَ وَالْعَصْرَ جَمِيعًا وَالْمَغْرِبَ وَالْعِشَاءَ جَمِيعًا فِي غَيْرِ خَوْفٍ وَلاَ سَفَرٍ .

USC-MSA web (English) reference : Book 9, Hadith 4
Arabic reference : Book 9, Hadith 332

(with regards to above) Malik said, "I believe that was during rain."

USC-MSA web (English) reference : Book 9, Hadith 4

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to join the prayer along with the amirs if they joined maghrib and isha in the rain.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا جَمَعَ الأُمَرَاءُ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ فِي الْمَطَرِ جَمَعَ مَعَهُمْ .

USC-MSA web (English) reference : Book 9, Hadith 5
Arabic reference : Book 9, Hadith 333

Yahya related to me from Malik from Ibn Shihab that he had asked Salim ibn Abdullah, "Can you join dhuhr and asr when travelling?" He said, "Yes, there is no harm in that. Haven't you seen the people pray on Arafa?"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ سَأَلَ سَالِمَ بْنَ عَبْدِ اللَّهِ هَلْ يُجْمَعُ بَيْنَ الظُّهْرِ وَالْعَصْرِ فِي السَّفَرِ فَقَالَ نَعَمْ لاَ بَأْسَ بِذَلِكَ أَلَمْ تَرَ إِلَى صَلاَةِ النَّاسِ بِعَرَفَةَ

USC-MSA web (English) reference : Book 9, Hadith 6
Arabic reference : Book 9, Hadith 334

Yahya related to me from Malik that he had heard that AIi ibn Husain used to say, "The Messenger of Allah, may Allah bless him and grant him peace, would join dhuhr and asr if he wished to travel the same day, and he would join maghrib and isha if he wished to travel the same night."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ عَلِيِّ بْنِ حُسَيْنٍ، أَنَّهُ كَانَ يَقُولُ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِذَا أَرَادَ أَنْ يَسِيرَ يَوْمَهُ جَمَعَ بَيْنَ الظُّهْرِ وَالْعَصْرِ وَإِذَا أَرَادَ أَنْ يَسِيرَ لَيْلَهُ جَمَعَ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ .

USC-MSA web (English) reference : Book 9, Hadith 7
Arabic reference : Book 9, Hadith 335

9 - Shortening the Prayer

كتاب قصر الصلاة فى السفر

Yahya related to me from Malik from Ibn Shihab from a man of the family of Khalid ibn Asid that he said to Abdullah ibn Umar, "Abu Abd ar-Rahman, we find the fear prayer and the prayer when settled mentioned in the Qur'an, but we do not find any mention of the travelling prayer in it." Ibn Umar said, "Son of my brother! Allah the Mighty and Majestic sent us Muhammad, may Allah bless him and grant him peace, and we know nothing. We only do as we saw him doing."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ رَجُلٍ، مِنْ آلِ خَالِدِ بْنِ أَسِيدٍ أَنَّهُ سَأَلَ عَبْدَ اللَّهِ بْنَ عُمَرَ فَقَالَ يَا أَبَا عَبْدِ الرَّحْمَنِ إِنَّا نَجِدُ صَلاَةَ الْخَوْفِ وَصَلاَةَ الْحَضَرِ فِي الْقُرْآنِ وَلاَ نَجِدُ صَلاَةَ السَّفَرِ فَقَالَ ابْنُ عُمَرَ يَا ابْنَ أَخِي إِنَّ اللَّهَ عَزَّ وَجَلَّ بَعَثَ إِلَيْنَا مُحَمَّدًا صلى الله عليه وسلم وَلاَ نَعْلَمُ شَيْئًا فَإِنَّمَا نَفْعَلُ كَمَا رَأَيْنَاهُ يَفْعَلُ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 8
Arabic reference : Book 9, Hadith 336

Yahya related to me from Malik from Salih ibn Kaysan from Urwa ibn az-Zubayr that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The prayer was prescribed as two rakas, both when settled and when travelling. Then the travelling prayer was kept as it was, and an increase was made in the prayer when settled. "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ صَالِحِ بْنِ كَيْسَانَ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ فُرِضَتِ الصَّلاَةُ رَكْعَتَيْنِ رَكْعَتَيْنِ فِي الْحَضَرِ وَالسَّفَرِ فَأُقِرَّتْ صَلاَةُ السَّفَرِ وَزِيدَ فِي صَلاَةِ الْحَضَرِ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 9
Arabic reference : Book 9, Hadith 337

Yahya related to me from Malik from Yahya ibn Said that he said to Salim ibn Abdullah, "What is the latest you have seen your father delay maghrib while on a journey?" and Salim replied, "One time the sun set when we were at Dhat al-Jaysh and he prayed maghrib at al- Aqiq."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ لِسَالِمِ بْنِ عَبْدِ اللَّهِ مَا أَشَدَّ مَا رَأَيْتَ أَبَاكَ أَخَّرَ الْمَغْرِبَ فِي السَّفَرِ فَقَالَ سَالِمٌ غَرَبَتِ الشَّمْسُ وَنَحْنُ بِذَاتِ الْجَيْشِ فَصَلَّى الْمَغْرِبَ بِالْعَقِيقِ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 10
Arabic reference : Book 9, Hadith 338

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, shortened the prayer when he left for hajj or umra at Dhu'l Hulayfa.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا خَرَجَ حَاجًّا أَوْ مُعْتَمِرًا قَصَرَ الصَّلاَةَ بِذِي الْحُلَيْفَةِ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 11
Arabic reference : Book 9, Hadith 339

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that his father rode to Rim and shortened the prayer on the journey.

Malik said, "That was about four mail-stages." (approximately forty-eight miles).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، أَنَّهُ رَكِبَ إِلَى رِيمٍ فَقَصَرَ الصَّلاَةَ فِي مَسِيرِهِ ذَلِكَ . قَالَ مَالِكٌ وَذَلِكَ نَحْوٌ مِنْ أَرْبَعَةِ بُرُدٍ .

USC-MSA web (English) reference : Book 9, Hadith 12
Arabic reference : Book 9, Hadith 340

Yahya related to me from Malik from Nafi from Salim ibn Abdullah that Abdullah ibn Umar rode to Dhat an-Nusub and shortened the prayer on the journey.

Malik said, "There are four mail-stages between Dhat an-Nusub and Madina."
حَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، رَكِبَ إِلَى ذَاتِ النُّصُبِ فَقَصَرَ الصَّلاَةَ فِي مَسِيرِهِ ذَلِكَ . قَالَ مَالِكٌ وَبَيْنَ ذَاتِ النُّصُبِ وَالْمَدِينَةِ أَرْبَعَةُ بُرُدٍ .

USC-MSA web (English) reference : Book 9, Hadith 13
Arabic reference : Book 9, Hadith 341

Yahya related to me from Malik from Nafi from Ibn Umar that he used to travel to Khaybar and he would shorten the prayer.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّهُ كَانَ يُسَافِرُ إِلَى خَيْبَرَ فَيَقْصُرُ الصَّلاَةَ .

USC-MSA web (English) reference : Book 9, Hadith 14
Arabic reference : Book 9, Hadith 342

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Umar used to shorten the prayer when he travelled for a whole day.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقْصُرُ الصَّلاَةَ فِي مَسِيرِهِ الْيَوْمَ التَّامَّ .

USC-MSA web (English) reference : Book 9, Hadith 15
Arabic reference : Book 9, Hadith 343

Yahya related to me from Malik from Nafi that he used to travel one mail-stage with Ibn Umar, and he would not shorten the prayer.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّهُ كَانَ يُسَافِرُ مَعَ ابْنِ عُمَرَ الْبَرِيدَ فَلاَ يَقْصُرُ الصَّلاَةَ .

USC-MSA web (English) reference : Book 9, Hadith 16
Arabic reference : Book 9, Hadith 344

Yahya related to me from Malik that he had heard that Abdullah ibn Abbas used to shorten the prayer when he travelled a distance equivalent to that between Makka and Ta'if, and that between Makka and Usfan and that between Makka and Jedda.

Malik said, "That is four mail-stages, and to me that is the most preferable distance for shortening the prayer."
Malik said, "Someone who intends to travel does not shorten the prayer until he has left the houses of the village. And he does not do it in full until he comes to the first houses of the village, or is nearby."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، كَانَ يَقْصُرُ الصَّلاَةَ فِي مِثْلِ مَا بَيْنَ مَكَّةَ وَالطَّائِفِ وَفِي مِثْلِ مَا بَيْنَ مَكَّةَ وَعُسْفَانَ وَفِي مِثْلِ مَا بَيْنَ مَكَّةَ وَجُدَّةَ . قَالَ مَالِكٌ وَذَلِكَ أَرْبَعَةُ بُرُدٍ وَذَلِكَ أَحَبُّ مَا تُقْصَرُ إِلَىَّ فِيهِ الصَّلاَةُ . قَالَ مَالِكٌ لاَ يَقْصُرُ الَّذِي يُرِيدُ السَّفَرَ الصَّلاَةَ حَتَّى يَخْرُجَ مِنْ بُيُوتِ الْقَرْيَةِ وَلاَ يُتِمُّ حَتَّى يَدْخُلَ أَوَّلَ بُيُوتِ الْقَرْيَةِ أَوْ يُقَارِبُ ذَلِكَ .

USC-MSA web (English) reference : Book 9, Hadith 17
Arabic reference : Book 9, Hadith 345

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Umar used to say, "I pray the prayerof a traveller as long as I am undecided whether to remain somewhere or not, even if I am detained for twelve nights."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ أُصَلِّي صَلاَةَ الْمُسَافِرِ مَا لَمْ أُجْمِعْ مُكْثًا وَإِنْ حَبَسَنِي ذَلِكَ اثْنَتَىْ عَشْرَةَ لَيْلَةً .

USC-MSA web (English) reference : Book 9, Hadith 18
Arabic reference : Book 9, Hadith 346

Yahya related to me from Malik from Nafi that Ibn Umar stayed in Makka for ten nights, shortening the prayer, except when he prayed it behind an imam, in which case he followed the imam's prayer.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ ابْنَ عُمَرَ، أَقَامَ بِمَكَّةَ عَشْرَ لَيَالٍ يَقْصُرُ الصَّلاَةَ إِلاَّ أَنْ يُصَلِّيَهَا مَعَ الإِمَامِ فَيُصَلِّيهَا بِصَلاَتِهِ .

USC-MSA web (English) reference : Book 9, Hadith 19
Arabic reference : Book 9, Hadith 347

Yahya related to me from Malik from Ata al-Khurasani that he heard Said ibn al Musayyab say, "A traveller who has decided to remain somewhere for four nights does the prayer in full."

Malik said, "That is what I prefer most out of what I have heard."
Malik when asked about the prayer of a prisoner, said, "It is the same as the prayer of a person who remains in one place, except if he is travelling."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَطَاءٍ الْخُرَاسَانِيِّ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، قَالَ مَنْ أَجْمَعَ إِقَامَةً أَرْبَعَ لَيَالٍ وَهُوَ مُسَافِرٌ أَتَمَّ الصَّلاَةَ . قَالَ مَالِكٌ وَذَلِكَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ . وَسُئِلَ مَالِكٌ عَنْ صَلاَةِ الأَسِيرِ فَقَالَ مِثْلُ صَلاَةِ الْمُقِيمِ إِلاَّ أَنْ يَكُونَ مُسَافِرًا .

USC-MSA web (English) reference : Book 9, Hadith 20
Arabic reference : Book 9, Hadith 348

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah from his father that Umar ibn al-Khattab, when he went to Makka, used to lead them in prayer and do two rakas and then say, "People of Makka,complete the prayer, we are a group travelling."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ إِذَا قَدِمَ مَكَّةَ صَلَّى بِهِمْ رَكْعَتَيْنِ ثُمَّ يَقُولُ يَا أَهْلَ مَكَّةَ أَتِمُّوا صَلاَتَكُمْ فَإِنَّا قَوْمٌ سَفْرٌ .

USC-MSA web (English) reference : Book 9, Hadith 21
Arabic reference : Book 9, Hadith 349

Yahya related the same as that to me from Malik from Zayd ibn Aslam from his father from Umar ibn al-Khattab.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، عَنْ عُمَرَ بْنِ الْخَطَّابِ، مِثْلَ ذَلِكَ .

USC-MSA web (English) reference : Book 9, Hadith 21
Arabic reference : Book 9, Hadith 350

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to pray four rakas behind the imam at Mina, and when he prayed by himself he would pray two rakas.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُصَلِّي وَرَاءَ الإِمَامِ بِمِنًى أَرْبَعًا فَإِذَا صَلَّى لِنَفْسِهِ صَلَّى رَكْعَتَيْنِ .

USC-MSA web (English) reference : Book 9, Hadith 22
Arabic reference : Book 9, Hadith 351

Yahya related to me from Malik from Ibn Shihab that Safwan said, "Abdullah ibn Umar used to come and visit Abdullah ibn Safwan and he would pray two rakas with us, and when he went away we would stand and complete the prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ صَفْوَانَ، أَنَّهُ قَالَ جَاءَ عَبْدُ اللَّهِ بْنُ عُمَرَ يَعُودُ عَبْدَ اللَّهِ بْنَ صَفْوَانَ فَصَلَّى لَنَا رَكْعَتَيْنِ ثُمَّ انْصَرَفَ فَقُمْنَا فَأَتْمَمْنَا .

USC-MSA web (English) reference : Book 9, Hadith 23
Arabic reference : Book 9, Hadith 352

Yahya related to me from Malik from Nafi that Abdullah ibn Umar never used to pray anything with the fard prayer, either before it or after it, while travelling, except in the depths of the night. He would pray on the ground or on his mount, whichever way it was facing.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ لَمْ يَكُنْ يُصَلِّي مَعَ صَلاَةِ الْفَرِيضَةِ فِي السَّفَرِ شَيْئًا قَبْلَهَا وَلاَ بَعْدَهَا إِلاَّ مِنْ جَوْفِ اللَّيْلِ فَإِنَّهُ كَانَ يُصَلِّي عَلَى الأَرْضِ وَعَلَى رَاحِلَتِهِ حَيْثُ تَوَجَّهَتْ .

USC-MSA web (English) reference : Book 9, Hadith 24
Arabic reference : Book 9, Hadith 353

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad and Urwa ibn az-Zubayr and Abu Bakr ibn Abd ar Rahman used to pray nawafil when travelling.

Yahya said that Malik was asked about voluntary prayers when travelling and he said, "There is no harm in them, either at night or during the day. I have heard that some of the people of knowledge used to do that."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، وَعُرْوَةَ بْنَ الزُّبَيْرِ، وَأَبَا، بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ كَانُوا يَتَنَفَّلُونَ فِي السَّفَرِ . قَالَ يَحْيَى وَسُئِلَ مَالِكٌ عَنِ النَّافِلَةِ فِي السَّفَرِ فَقَالَ لاَ بَأْسَ بِذَلِكَ بِاللَّيْلِ وَالنَّهَارِ وَقَدْ بَلَغَنِي أَنَّ بَعْضَ أَهْلِ الْعِلْمِ كَانَ يَفْعَلُ ذَلِكَ .

USC-MSA web (English) reference : Book 9, Hadith 25
Arabic reference : Book 9, Hadith 354

Yahya related to me that Malik said, "I have heard from Nafi that Abdullah ibn Umar used to see his son, Ubaydullah ibn Abdullah, doing voluntary prayers on a journey,and he would not disapprove of it."

وَحَدَّثَنِي عَنْ مَالِكٍ، قَالَ بَلَغَنِي عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَرَى ابْنَهُ عُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ يَتَنَفَّلُ فِي السَّفَرِ فَلاَ يُنْكِرُ عَلَيْهِ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 26
Arabic reference : Book 9, Hadith 355

Yahya related to me from Malik from Amr ibn Yahya al-Mazini from Abu'l-Hubab Said ibn Yasar that Abdullah ibn Umar said, "I saw the Messenger of Allah, may Allah bless him and grant him peace, praying on a donkey while heading towards Khaybar."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ، عَنْ أَبِي الْحُبَابِ، سَعِيدِ بْنِ يَسَارٍ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يُصَلِّي وَهُوَ عَلَى حِمَارٍ وَهُوَ مُتَوَجِّهٌ إِلَى خَيْبَرَ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 27
Arabic reference : Book 9, Hadith 356

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, used to pray on his mount while travelling, whichever way it was facing. Abdullah ibn Dinar said, "Abdullah ibn Umar would also do that."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُصَلِّي عَلَى رَاحِلَتِهِ فِي السَّفَرِ حَيْثُ تَوَجَّهَتْ بِهِ ‏.‏ قَالَ عَبْدُ اللَّهِ بْنُ دِينَارٍ وَكَانَ عَبْدُ اللَّهِ بْنُ عُمَرَ يَفْعَلُ ذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 28
Arabic reference : Book 9, Hadith 357

Yahya related to me from Malik that Yahya ibn Said said, "I saw Anas ibn Malik on a journey praying on a donkey facing away from the qibla. He did the raka and the sajda by motioning with his head, without putting his face on anything."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ رَأَيْتُ أَنَسَ بْنَ مَالِكٍ فِي السَّفَرِ وَهُوَ يُصَلِّي عَلَى حِمَارٍ وَهُوَ مُتَوَجِّهٌ إِلَى غَيْرِ الْقِبْلَةِ يَرْكَعُ وَيَسْجُدُ إِيمَاءً مِنْ غَيْرِ أَنْ يَضَعَ وَجْهَهُ عَلَى شَىْءٍ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 29
Arabic reference : Book 9, Hadith 358

Yahya related to me from Malik from Musa ibn Maysara from Abu Murra, the mawla of Aqil ibn Abi Talib, that Umm Hani bint Abi Talib told him that in the year of the conquest the Messenger of Allah, may Allah bless him and grant him peace, prayed eight rakas, covering himself with one garment.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُوسَى بْنِ مَيْسَرَةَ، عَنْ أَبِي مُرَّةَ، مَوْلَى عَقِيلِ بْنِ أَبِي طَالِبٍ أَنَّ أُمَّ هَانِئٍ بِنْتَ أَبِي طَالِبٍ، أَخْبَرَتْهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم صَلَّى عَامَ الْفَتْحِ ثَمَانِيَ رَكَعَاتٍ مُلْتَحِفًا فِي ثَوْبٍ وَاحِدٍ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 30
Arabic reference : Book 9, Hadith 359

Yahya related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Ubaydullah, that Abu Murra, the mawla of Aqil ibn Abi Talib, told him that he had heard Umm Hani bint Abi Talib say, "I went to the Messenger of Allah, may Allah bless him and grant him peace, in the year of the conquest and found him doing ghusl while his daughter Fatima, was screening him with a garment. I said to him, 'Peace be upon you' and he said, 'Who is that?' I replied, 'Umm Hani bint Abi Talib,' and he said, 'Welcome, Umm Hani!' When he had finished his ghusl, he stood and prayed eight rakas, covering himself with one garment, and then came away. I said, 'Messenger of Allah, the son of my mother, AIi, says that he is determined to kill so-and-so, son of Hubayra, a man I have placed under my protection.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'We give protection to whoever you have given protection to, Umm Hani.' "

Umm Hani related that this incident happened in the morning.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ أَنَّ أَبَا مُرَّةَ، مَوْلَى عَقِيلِ بْنِ أَبِي طَالِبٍ أَخْبَرَهُ أَنَّهُ، سَمِعَ أُمَّ هَانِئٍ بِنْتَ أَبِي طَالِبٍ، تَقُولُ ذَهَبْتُ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ الْفَتْحِ فَوَجَدْتُهُ يَغْتَسِلُ وَفَاطِمَةُ ابْنَتُهُ تَسْتُرُهُ بِثَوْبٍ - قَالَتْ - فَسَلَّمْتُ عَلَيْهِ فَقَالَ " مَنْ هَذِهِ " . فَقُلْتُ أُمُّ هَانِئٍ بِنْتُ أَبِي طَالِبٍ . فَقَالَ " مَرْحَبًا بِأُمِّ هَانِئٍ " . فَلَمَّا فَرَغَ مِنْ غُسْلِهِ قَامَ فَصَلَّى ثَمَانِيَ رَكَعَاتٍ مُلْتَحِفًا فِي ثَوْبٍ وَاحِدٍ ثُمَّ انْصَرَفَ فَقُلْتُ يَا رَسُولَ اللَّهِ زَعَمَ ابْنُ أُمِّي عَلِيٌّ أَنَّهُ قَاتِلٌ رَجُلاً أَجَرْتُهُ فُلاَنُ بْنُ هُبَيْرَةَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " قَدْ أَجَرْنَا مَنْ أَجَرْتِ يَا أُمَّ هَانِئٍ " . قَالَتْ أُمُّ هَانِئٍ وَذَلِكَ ضُحًى .

USC-MSA web (English) reference : Book 9, Hadith 31
Arabic reference : Book 9, Hadith 360

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "I never once saw the Messenger of Allah, may Allah bless him and grant him peace, doing the voluntary prayer of duha, but I myself do it. Sometimes the Messenger of Allah, may Allah bless him and grant him peace, would refrain from a practice that he loved to do, fearing that people would do the same and it would become fard for them ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ مَا رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يُصَلِّي سُبْحَةَ الضُّحَى قَطُّ وَإِنِّي لأُسَبِّحُهَا وَإِنْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم لَيَدَعُ الْعَمَلَ وَهُوَ يُحِبُّ أَنْ يَعْمَلَهُ خَشْيَةَ أَنْ يَعْمَلَ بِهِ النَّاسُ فَيُفْرَضَ عَلَيْهِمْ .

USC-MSA web (English) reference : Book 9, Hadith 32
Arabic reference : Book 9, Hadith 361

Yahya related to me from Malik from Zayd ibn Aslam from A'isha that she used to pray duha with eight rakas, and she would say, "I would never stop doing them even if my parents were to be brought back to life."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَائِشَةَ، أَنَّهَا كَانَتْ تُصَلِّي الضُّحَى ثَمَانِيَ رَكَعَاتٍ ثُمَّ تَقُولُ لَوْ نُشِرَ لِي أَبَوَاىَ مَا تَرَكْتُهُنَّ .

USC-MSA web (English) reference : Book 9, Hadith 33
Arabic reference : Book 9, Hadith 362

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha from Anas ibn Malik that his grandmother, Mulayka, invited the Messenger of Allah, may Allah bless him and grant him peace, for food and he ate some of it. Then the Messenger of Allah, may Allah bless him and grant him peace, said, "Get up and I will lead you in prayer."

Anas said, "I stood up and took a woven mat belonging to us that had become black through long use and sprinkled it with water, and the Messengerof Allah, may Allah bless him and grant him peace, stood on it. The orphan and I formed a row behind him, and the old woman stood behind us. He prayed two rakas with us and then left."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ جَدَّتَهُ، مُلَيْكَةَ دَعَتْ رَسُولَ اللَّهِ صلى الله عليه وسلم لِطَعَامٍ فَأَكَلَ مِنْهُ ثُمَّ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " قُومُوا فَلأُصَلِّيَ لَكُمْ " . قَالَ أَنَسٌ فَقُمْتُ إِلَى حَصِيرٍ لَنَا قَدِ اسْوَدَّ مِنْ طُولِ مَا لُبِسَ فَنَضَحْتُهُ بِمَاءٍ فَقَامَ عَلَيْهِ رَسُولُ اللَّهِ صلى الله عليه وسلم وَصَفَفْتُ أَنَا وَالْيَتِيمُ وَرَاءَهُ وَالْعَجُوزُ مِنْ وَرَائِنَا فَصَلَّى لَنَا رَكْعَتَيْنِ ثُمَّ انْصَرَفَ .

USC-MSA web (English) reference : Book 9, Hadith 34
Arabic reference : Book 9, Hadith 363

Yahya related to me from Malik from Ibn Shihab that Ubaydullah ibn Abdullah ibn Utba said, "I visited Umar ibn al-Khattab just before noon and found him praying a voluntary prayer. So I stood behind him, but he pulled me nearer and put me next to him, on his right hand side, and then Yarfa came and I moved back and we formed a row behind him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، أَنَّهُ قَالَ دَخَلْتُ عَلَى عُمَرَ بْنِ الْخَطَّابِ بِالْهَاجِرَةِ فَوَجَدْتُهُ يُسَبِّحُ فَقُمْتُ وَرَاءَهُ فَقَرَّبَنِي حَتَّى جَعَلَنِي حِذَاءَهُ عَنْ يَمِينِهِ فَلَمَّا جَاءَ يَرْفَأُ تَأَخَّرْتُ فَصَفَفْنَا وَرَاءَهُ .

USC-MSA web (English) reference : Book 9, Hadith 35
Arabic reference : Book 9, Hadith 364

Yahya related to me from Malik from Zayd ibn Aslam from Abd ar- Rahman ibn Abi Said al-Khudri from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not let anyone pass in front of you when you are praying. Repel him as much as you can, and, if he refuses, fight him, for he is only a shaytan."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي سَعِيدٍ الْخُدْرِيِّ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا كَانَ أَحَدُكُمْ يُصَلِّي فَلاَ يَدَعْ أَحَدًا يَمُرُّ بَيْنَ يَدَيْهِ وَلْيَدْرَأْهُ مَا اسْتَطَاعَ فَإِنْ أَبَى فَلْيُقَاتِلْهُ فَإِنَّمَا هُوَ شَيْطَانٌ " .

USC-MSA web (English) reference : Book 9, Hadith 36
Arabic reference : Book 9, Hadith 365

Yahya related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Ubaydullah from Busr ibn Said that Zayd ibn Khalid al-Juhani sent him to Abu Juhaym to ask him what he had heard from the Messenger of Allah, may Allah bless him and grant him peace, about passing in front of someone praying. Abu Juhaym said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'If the one who passes in front of a man praying knew what he was bringing upon himself it would be better for him to stop for forty than to pass in front of him.' "

Abu'n-Nadr said, "I do not know whether he said forty days or months or years."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ بُسْرِ بْنِ سَعِيدٍ، أَنَّ زَيْدَ بْنَ خَالِدٍ الْجُهَنِيَّ، أَرْسَلَهُ إِلَى أَبِي جُهَيْمٍ يَسْأَلُهُ مَاذَا سَمِعَ مِنْ، رَسُولِ اللَّهِ صلى الله عليه وسلم فِي الْمَارِّ بَيْنَ يَدَىِ الْمُصَلِّي فَقَالَ أَبُو جُهَيْمٍ قَالَ رَسُولُ اللَّهِ صلى الله عليه

وسلم " لَوْ يَعْلَمُ الْمَارُّ بَيْنَ يَدَىِ الْمُصَلِّي مَاذَا عَلَيْهِ لَكَانَ أَنْ يَقِفَ أَرْبَعِينَ خَيْرًا لَهُ مِنْ أَنْ يَمُرَّ بَيْنَ يَدَيْهِ " . قَالَ أَبُو النَّضْرِ لاَ أَدْرِي أَقَالَ أَرْبَعِينَ يَوْمًا أَوْ شَهْرًا أَوْ سَنَةً .

USC-MSA web (English) reference : Book 9, Hadith 37
Arabic reference : Book 9, Hadith 366

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that Kab al-Ahbar said, "If the person who passed in front of a man praying knew what he was bringing on himself, it would be better for him to sink into the ground than to pass in front of him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ كَعْبَ الأَحْبَارِ، قَالَ لَوْ يَعْلَمُ الْمَارُّ بَيْنَ يَدَىِ الْمُصَلِّي مَاذَا عَلَيْهِ لَكَانَ أَنْ يُخْسَفَ بِهِ خَيْرًا لَهُ مِنْ أَنْ يَمُرَّ بَيْنَ يَدَيْهِ .

USC-MSA web (English) reference : Book 9, Hadith 38
Arabic reference : Book 9, Hadith 367

Yahya related to me from Malik that he had heard that Abdullah ibn Umar used to disapprove of passing in front of women while they were praying.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَكْرَهُ أَنْ يَمُرَّ، بَيْنَ أَيْدِي النِّسَاءِ وَهُنَّ يُصَلِّينَ .

USC-MSA web (English) reference : Book 9, Hadith 39
Arabic reference : Book 9, Hadith 368

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would neither pass in front of anyone, nor let anyone pass in front of him.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ لاَ يَمُرُّ بَيْنَ يَدَىْ أَحَدٍ وَلاَ يَدَعُ أَحَدًا يَمُرُّ بَيْنَ يَدَيْهِ .

USC-MSA web (English) reference : Book 9, Hadith 40
Arabic reference : Book 9, Hadith 369

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Abdullah ibn Abbas said, "I approached, riding on a donkey, while the Messenger of Allah, may Allah bless him and grant him peace, was leading the people in prayer at Mina, and I was, at that time, nearing puberty. I passed in front of part of the row, dismounted, sent the donkey off to graze, and then joined the row, and no one rebuked me for doing so."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ قَالَ أَقْبَلْتُ رَاكِبًا عَلَى أَتَانٍ - وَأَنَا يَوْمَئِذٍ قَدْ نَاهَزْتُ الاِحْتِلاَمَ - وَرَسُولُ اللَّهِ صلى الله عليه وسلم يُصَلِّي لِلنَّاسِ بِمِنًى فَمَرَرْتُ بَيْنَ يَدَىْ بَعْضِ الصَّفِّ فَنَزَلْتُ فَأَرْسَلْتُ الأَتَانَ تَرْتَعُ وَدَخَلْتُ فِي الصَّفِّ فَلَمْ يُنْكِرْ ذَلِكَ عَلَىَّ أَحَدٌ .

USC-MSA web (English) reference : Book 9, Hadith 41
Arabic reference : Book 9, Hadith 370

Yahya related to me from Malik that he had heard that Said ibn Abi Waqqas used to pass in front of some of the rows while the prayer was in progress.

Malik said, "I consider that it is permissible to do that if the iqama for the prayer has been said and the imam has said the initial takbir and a man cannot find any way into the mosque except by going between the rows."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعْدَ بْنَ أَبِي وَقَّاصٍ، كَانَ يَمُرُّ بَيْنَ يَدَىْ بَعْضِ الصُّفُوفِ وَالصَّلاَةُ قَائِمَةٌ ‏.‏ قَالَ مَالِكٌ وَأَنَا أَرَى ذَلِكَ وَاسِعًا إِذَا أُقِيمَتِ الصَّلاَةُ وَبَعْدَ أَنْ يُحْرِمَ الإِمَامُ وَلَمْ يَجِدِ الْمَرْءُ مَدْخَلاً إِلَى الْمَسْجِدِ إِلاَّ بَيْنَ الصُّفُوفِ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 42
Arabic reference : Book 9, Hadith 371

Yahya related to me from Malik that he had heard that Ali ibn Abi Talib said, "Things that pass in front of a man praying do not break his prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ، قَالَ لاَ يَقْطَعُ الصَّلاَةَ شَىْءٌ مِمَّا يَمُرُّ بَيْنَ يَدَىِ الْمُصَلِّي ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 43
Arabic reference : Book 9, Hadith 372

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Umar used to say, "Things that pass in front of a man praying do not break his prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ لاَ يَقْطَعُ الصَّلاَةَ شَىْءٌ مِمَّا يَمُرُّ بَيْنَ يَدَىِ الْمُصَلِّي ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 43
Arabic reference : Book 9, Hadith 373

Yahya related to me from Malik that he had heard that Abdullah ibn Umar would use the animal he was riding as a sutra when he prayed.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَسْتَتِرُ بِرَاحِلَتِهِ إِذَا صَلَّى ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 44
Arabic reference : Book 9, Hadith 374

Yahya related to me from Malik from Hisham ibn Urwa that his father used to pray in the desert without a sutra.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ أَبَاهُ، كَانَ يُصَلِّي فِي الصَّحْرَاءِ إِلَى غَيْرِ سُتْرَةٍ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 44
Arabic reference : Book 9, Hadith 375

Yahya related to me from Malik that Abu Jafar al-Qari said, "I saw Abdullah ibn Umar quickly brush away the small stones from the place where he was going to put his forehead as he was going down into sajda."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي جَعْفَرٍ الْقَارِئِ، أَنَّهُ قَالَ رَأَيْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ إِذَا أَهْوَى لِيَسْجُدَ مَسَحَ الْحَصْبَاءَ لِمَوْضِعِ جَبْهَتِهِ مَسْحًا خَفِيفًا ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 45
Arabic reference : Book 9, Hadith 376

Yahya related to me from Malik from Yahya ibn Said that he had heard that Abu Dharr used to say, "Brush away the small stones with one sweep, but if you leave them it is better than a red camel."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا ذَرٍّ، كَانَ يَقُولُ مَسْحُ الْحَصْبَاءِ مَسْحَةً وَاحِدَةً وَتَرْكُهَا خَيْرٌ مِنْ حُمْرِ النَّعَمِ .

USC-MSA web (English) reference : Book 9, Hadith 46
Arabic reference : Book 9, Hadith 377

Yahya related to me from Malik from Nafi that Umar ibn al-Khattab used to order the rows to be straightened, and when they had come to him and told him that the rows were straight he would say the takbir.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَأْمُرُ بِتَسْوِيَةِ الصُّفُوفِ فَإِذَا جَاءُوهُ فَأَخْبَرُوهُ أَنْ قَدِ اسْتَوَتْ كَبَّرَ .

USC-MSA web (English) reference : Book 9, Hadith 47
Arabic reference : Book 9, Hadith 378

Yahya related to me from Malik from his paternal uncle, Abu Suhayl ibn Malik, that his father said, "I was with Uthman ibn Affan when the iqama was said for the prayer and I was talking to him about being assigned a definite allowance by him. I continued talking to him while he was levelling some small stones with his sandals, and then some men that he had entrusted to straighten the rows came and told him that the rows were straight. He said to me, 'Line up in the row,' and then he said the takbir."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، أَنَّهُ قَالَ كُنْتُ مَعَ عُثْمَانَ بْنِ عَفَّانَ فَقَامَتِ الصَّلاَةُ وَأَنَا أُكَلِّمُهُ، فِي أَنْ يَفْرِضَ، لِي فَلَمْ أَزَلْ أُكَلِّمُهُ وَهُوَ يُسَوِّي الْحَصْبَاءَ بِنَعْلَيْهِ حَتَّى جَاءَهُ رِجَالٌ قَدْ كَانَ وَكَلَهُمْ بِتَسْوِيَةِ الصُّفُوفِ . فَأَخْبَرُوهُ أَنَّ الصُّفُوفَ قَدِ اسْتَوَتْ فَقَالَ لِي اسْتَوِ فِي الصَّفِّ . ثُمَّ كَبَّرَ .

USC-MSA web (English) reference : Book 9, Hadith 48
Arabic reference : Book 9, Hadith 379

Yahya related to me from Malik that Abd al-Karim ibn Abi'l-Mukhariq al-Basri said, "Among things the Prophet, may Allah bless him and grant him peace, said and did are:

'As long as you do not feel ashamed, do whatever you wish', the placing of one hand on the other in prayer (one places the right hand on the left), being quick to break the fast, and delaying the meal before dawn."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الْكَرِيمِ بْنِ أَبِي الْمُخَارِقِ الْبَصْرِيِّ، أَنَّهُ قَالَ مِنْ كَلاَمِ النُّبُوَّةِ إِذَا لَمْ تَسْتَحِي فَافْعَلْ مَا شِئْتَ وَوَضْعُ الْيَدَيْنِ إِحْدَاهُمَا عَلَى الأُخْرَى فِي الصَّلاَةِ يَضَعُ الْيُمْنَى عَلَى الْيُسْرَى وَتَعْجِيلُ الْفِطْرِ وَالاِسْتِينَاءُ بِالسَّحُورِ .

USC-MSA web (English) reference : Book 9, Hadith 49
Arabic reference : Book 9, Hadith 380

Yahya related to me from Malik from Abu Hazim ibn Dinar that Sahl ibn Sad said, "People used to be ordered to place their right hands on their left forearms in the prayer."

Abu Hazim added, "I know for sure that Sahl traces that back to the Prophet, may Allah bless him and grant him peace."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي حَازِمِ بْنِ دِينَارٍ، عَنْ سَهْلِ بْنِ سَعْدٍ، أَنَّهُ قَالَ كَانَ النَّاسُ يُؤْمَرُونَ أَنْ يَضَعَ الرَّجُلُ الْيَدَ الْيُمْنَى عَلَى ذِرَاعِهِ الْيُسْرَى فِي الصَّلاَةِ . قَالَ أَبُو حَازِمٍ لاَ أَعْلَمُ إِلاَّ أَنَّهُ يَنْمِي ذَلِكَ .

USC-MSA web (English) reference : Book 9, Hadith 50
Arabic reference : Book 9, Hadith 381

Yahya related to me from Malik from Nafi that Abdullah ibn Umar did not say qunut in any of the prayers.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ لاَ يَقْنُتُ فِي شَىْءٍ مِنَ الصَّلاَةِ .

USC-MSA web (English) reference : Book 9, Hadith 51
Arabic reference : Book 9, Hadith 382

Yahya related to me from Malik from Hisham ibn Urwa from his father that Abdullah ibn al-Arqam used to lead his companions in prayer. The time for prayer came one day and he went to relieve himself. When he returned, he said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'If you wish to defecate, you should do so before the prayer.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ عَبْدَ اللَّهِ بْنَ الأَرْقَمِ، كَانَ يَؤُمُّ أَصْحَابَهُ فَحَضَرَتِ الصَّلاَةُ يَوْمًا فَذَهَبَ لِحَاجَتِهِ ثُمَّ رَجَعَ فَقَالَ إِنِّي سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " إِذَا أَرَادَ أَحَدُكُمُ الْغَائِطَ فَلْيَبْدَأْ بِهِ قَبْلَ الصَّلاَةِ " .

USC-MSA web (English) reference : Book 9, Hadith 52
Arabic reference : Book 9, Hadith 383

Yahya related to me from Malik from Zayd ibn Aslam that Umar ibn al-Khattab said, "You should not pray while you are holding your bowels."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لاَ يُصَلِّيَنَّ أَحَدُكُمْ وَهُوَ ضَامٌّ بَيْنَ وَرِكَيْهِ .

USC-MSA web (English) reference : Book 9, Hadith 53
Arabic reference : Book 9, Hadith 384

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The angels ask for blessings on each one of you as long as he is in the place where he has prayed and has not discharged anything. They say, 'Allah, forgive him. Allah have mercy on him.' "

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الْمَلاَئِكَةُ تُصَلِّي عَلَى أَحَدِكُمْ مَا دَامَ فِي مُصَلاَّهُ الَّذِي صَلَّى فِيهِ مَا لَمْ يُحْدِثِ اللَّهُمَّ اغْفِرْ لَهُ اللَّهُمَّ ارْحَمْهُ " .

USC-MSA web (English) reference : Book 9, Hadith 54
Arabic reference : Book 9, Hadith 385

Malik said, "I do not consider that his words, 'has not discharged anything' refer to anything other than the discharges that break wudu."

USC-MSA web (English) reference : Book 9, Hadith 54

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "You are in prayer as long as the prayer detains you and there is nothing that prevents you from returning to your family except the prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَزَالُ أَحَدُكُمْ فِي صَلاَةٍ مَا كَانَتِ الصَّلاَةُ تَحْبِسُهُ لاَ يَمْنَعُهُ أَنْ يَنْقَلِبَ إِلَى أَهْلِهِ إِلاَّ الصَّلاَةُ " .

USC-MSA web (English) reference : Book 9, Hadith 55
Arabic reference : Book 9, Hadith 386

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr, that Abu Bakr ibn Abd ar-Rahman used to say, "Someone who goes to the mosque in the morning or the afternoon with no intention of going anywhere else, either to learn good or teach it, is like someone who does jihad in the way of Allah and returns with booty."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرٍ أَنَّ أَبَا بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ، كَانَ يَقُولُ مَنْ غَدَا أَوْ رَاحَ إِلَى الْمَسْجِدِ لاَ يُرِيدُ غَيْرَهُ لِيَتَعَلَّمَ خَيْرًا أَوْ لِيُعَلِّمَهُ ثُمَّ رَجَعَ إِلَى بَيْتِهِ كَانَ كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ رَجَعَ غَانِمًا .

USC-MSA web (English) reference : Book 9, Hadith 56
Arabic reference : Book 9, Hadith 387

Yahya related to me from Malik from Nuaym ibn Abdullah al-Mujmir that he heard Abu Hurayra say, "If any one of you prays and then sits down in the spot where he has prayed, the angels ask blessings on him saying, 'Allah, forgive him. Allah, have mercy on him.' And if he moves from the spot where he has prayed and sits elsewhere in the mosque waiting for the prayer, he remains in prayer until he prays."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نُعَيْمِ بْنِ عَبْدِ اللَّهِ الْمُجْمِرِ، أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ، يَقُولُ إِذَا صَلَّى أَحَدُكُمْ ثُمَّ جَلَسَ فِي مُصَلاَّهُ لَمْ تَزَلِ الْمَلاَئِكَةُ تُصَلِّي عَلَيْهِ اللَّهُمَّ اغْفِرْ لَهُ اللَّهُمَّ ارْحَمْهُ فَإِنْ قَامَ مِنْ مُصَلاَّهُ فَجَلَسَ فِي الْمَسْجِدِ يَنْتَظِرُ الصَّلاَةَ لَمْ يَزَلْ فِي صَلاَةٍ حَتَّى يُصَلِّيَ .

USC-MSA web (English) reference : Book 9, Hadith 57
Arabic reference : Book 9, Hadith 388

Yahya related to me from Malik from al Ala ibn Abd ar-Rahman ibn Yaqub from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Shall I tell you the things by which Allah erases wrong actions and by which he raises ranks:

the complete and correct performance of wudu in adverse conditions, a great number of steps towards the mosque,and waiting after one prayer for the next prayer. That is the firm hold, that is the firm hold, that is the firm hold."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَعْقُوبَ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَلاَ أُخْبِرُكُمْ بِمَا يَمْحُو اللَّهُ بِهِ الْخَطَايَا وَيَرْفَعُ بِهِ الدَّرَجَاتِ إِسْبَاغُ الْوُضُوءِ عِنْدَ الْمَكَارِهِ وَكَثْرَةُ الْخُطَا إِلَى الْمَسَاجِدِ وَانْتِظَارُ الصَّلاَةِ بَعْدَ الصَّلاَةِ فَذَلِكُمُ الرِّبَاطُ فَذَلِكُمُ الرِّبَاطُ فَذَلِكُمُ الرِّبَاطُ " .

USC-MSA web (English) reference : Book 9, Hadith 58

Arabic reference : Book 9, Hadith 389

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab said, "It is said that no-one except a hypocrite leaves the mosque after the call to prayer, except for someone who intends to return."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، قَالَ يُقَالُ لاَ يَخْرُجُ أَحَدٌ مِنَ الْمَسْجِدِ بَعْدَ النِّدَاءِ - إِلاَّ أَحَدٌ يُرِيدُ الرُّجُوعَ إِلَيْهِ - إِلاَّ مُنَافِقٌ .

USC-MSA web (English) reference : Book 9, Hadith 59
Arabic reference : Book 9, Hadith 390

Yahya related to me from Malik from Amir ibn Abdullah ibn az- Zubayr from Amr ibn Sulaymaz-Zuraqi from Abu Qatadaal-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you enter the mosque, you should pray two rakas before you sit down."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَامِرِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ عَمْرِو بْنِ سُلَيْمٍ الزُّرَقِيِّ، عَنْ أَبِي قَتَادَةَ الأَنْصَارِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا دَخَلَ أَحَدُكُمُ الْمَسْجِدَ فَلْيَرْكَعْ رَكْعَتَيْنِ قَبْلَ أَنْ يَجْلِسَ " .

USC-MSA web (English) reference : Book 9, Hadith 60
Arabic reference : Book 9, Hadith 391

Yahya related to me from Malik from Abu'nNadr, the mawla of Umar ibn Ubaydullah, that Abu Salama ibn Abd ar-Rahman asked him, "Didn't I see your master sit down before praying after he had entered the mosque?"

Abu'n-Nadr said, "By that he meant Umar ibn Ubaydullah, and he was finding fault with him for sitting down before praying after he had come into the mosque."
Yahya said that Malik said, "It is good to do that but not obligatory."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّهُ قَالَ لَهُ أَلَمْ أَرَ صَاحِبَكَ إِذَا دَخَلَ الْمَسْجِدَ يَجْلِسُ قَبْلَ أَنْ يَرْكَعَ قَالَ أَبُو النَّضْرِ يَعْنِي بِذَلِكَ عُمَرَ بْنَ عُبَيْدِ اللَّهِ وَيَعِيبُ ذَلِكَ عَلَيْهِ أَنْ يَجْلِسَ إِذَا دَخَلَ الْمَسْجِدَ قَبْلَ أَنْ يَرْكَعَ . قَالَ يَحْيَى قَالَ مَالِكٌ وَذَلِكَ حَسَنٌ وَلَيْسَ بِوَاجِبٍ .

USC-MSA web (English) reference : Book 9, Hadith 61
Arabic reference : Book 9, Hadith 392

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to place his palms flat on the surface where he put his forehead. Nafi said, "I have seen him take his hands out from under his burnus on a very cold day and place them on the ground."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا سَجَدَ وَضَعَ كَفَّيْهِ عَلَى الَّذِي يَضَعُ عَلَيْهِ جَبْهَتَهُ . قَالَ نَافِعٌ وَلَقَدْ رَأَيْتُهُ فِي يَوْمٍ شَدِيدِ الْبَرْدِ وَإِنَّهُ لَيُخْرِجُ كَفَّيْهِ مِنْ تَحْتِ بُرْنُسٍ لَهُ حَتَّى يَضَعَهُمَا عَلَى الْحَصْبَاءِ .

USC-MSA web (English) reference : Book 9, Hadith 62
Arabic reference : Book 9, Hadith 393

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "When one of you puts his forehead on the ground he should put his palms on the place where he puts his forehead. Then, when he rises, he should raise them, for the hands prostrate just as the face prostrates."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ مَنْ وَضَعَ جَبْهَتَهُ بِالأَرْضِ فَلْيَضَعْ كَفَّيْهِ عَلَى الَّذِي يَضَعُ عَلَيْهِ جَبْهَتَهُ ثُمَّ إِذَا رَفَعَ فَلْيَرْفَعْهُمَا فَإِنَّ الْيَدَيْنِ تَسْجُدَانِ كَمَا يَسْجُدُ الْوَجْهُ .

USC-MSA web (English) reference : Book 9, Hadith 63
Arabic reference : Book 9, Hadith 394

Yahya related to me from Malik from Abu Hazim Salama ibn Dinar from Sahl ibn Said as-Saidi that the Messenger of Allah, may Allah bless him and grant him peace, went to the tribe of Bani Amr ibn Awf to settle their disputes .The time for the prayer came and the muadhdhin came to Abu Bakr as-Siddiq and said, "Could you lead the people in prayer and I will say the iqama?" He said, "Yes," and Abu Bakr prayed. The Messenger of Allah, may Allah bless him and grant him peace, came back while the people were praying, and approached and joined the row. People clapped, but Abu Bakr did not turn round. The people increased their clapping, and Abu Bakr turned round and saw the Messenger of Allah, may Allah bless him and grant him peace, and the Messenger of Allah, may Allah bless him and grant him peace, indicated to him to stay in his place. Abu Bakr raised his hands and praised Allah that the Messenger of Allah, may Allah bless him and grant him peace, had told him to do that. Then he drew back until he was in the row, and the Messenger of Allah, may Allah bless him and grant him peace, stepped forward and led the prayer. When he had finished he said, "Abu Bakr, what stopped you from staying put like I told you?" Abu Bakr said, "It is not for Ibn Abi Quhafa to pray in front of the Messenger of Allah, may Allah bless him and grant him peace."

The Messenger of Allah, may Allah bless him and grant him peace, said, "Why did I see you all clapping so much? If something happens to you in the prayer you should say 'Subhana-llah' (Glory be to Allah), and when you say 'Subhana-llah' you will be heard. Clapping is only for women."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي حَازِمٍ، سَلَمَةَ بْنِ دِينَارٍ عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم ذَهَبَ إِلَى بَنِي عَمْرِو بْنِ عَوْفٍ لِيُصْلِحَ بَيْنَهُمْ وَحَانَتِ الصَّلاَةُ فَجَاءَ الْمُؤَذِّنُ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ فَقَالَ أَتُصَلِّي لِلنَّاسِ فَأُقِيمَ قَالَ نَعَمْ . فَصَلَّى أَبُو بَكْرٍ فَجَاءَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَالنَّاسُ فِي الصَّلاَةِ فَتَخَلَّصَ حَتَّى وَقَفَ فِي الصَّفِّ فَصَفَّقَ النَّاسُ وَكَانَ أَبُو بَكْرٍ لاَ يَلْتَفِتُ فِي صَلاَتِهِ فَلَمَّا أَكْثَرَ النَّاسُ مِنَ التَّصْفِيقِ الْتَفَتَ أَبُو بَكْرٍ فَرَأَى رَسُولَ اللَّهِ صلى الله عليه وسلم فَأَشَارَ إِلَيْهِ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنِ امْكُثْ مَكَانَكَ فَرَفَعَ أَبُو بَكْرٍ يَدَيْهِ فَحَمِدَ اللَّهَ عَلَى مَا أَمَرَهُ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم مِنْ ذَلِكَ ثُمَّ اسْتَأْخَرَ حَتَّى اسْتَوَى فِي الصَّفِّ وَتَقَدَّمَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَصَلَّى ثُمَّ انْصَرَفَ فَقَالَ " يَا أَبَا بَكْرٍ مَا مَنَعَكَ أَنْ تَثْبُتَ إِذْ أَمَرْتُكَ " . فَقَالَ أَبُو بَكْرٍ مَا كَانَ لاِبْنِ أَبِي قُحَافَةَ أَنْ يُصَلِّيَ بَيْنَ يَدَىْ رَسُولِ اللَّهِ صلى الله عليه وسلم . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا لِي رَأَيْتُكُمْ أَكْثَرْتُمْ مِنَ التَّصْفِيحِ مَنْ نَابَهُ شَىْءٌ فِي صَلاَتِهِ فَلْيُسَبِّحْ فَإِنَّهُ إِذَا سَبَّحَ الْتُفِتَ إِلَيْهِ وَإِنَّمَا التَّصْفِيحُ لِلنِّسَاءِ " .

USC-MSA web (English) reference : Book 9, Hadith 64
Arabic reference : Book 9, Hadith 395

Yahya related to me from Malik from Nafi that Ibn Umar would never turn around when praying.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ ابْنَ عُمَرَ، لَمْ يَكُنْ يَلْتَفِتُ فِي صَلاَتِهِ .

USC-MSA web (English) reference : Book 9, Hadith 65
Arabic reference : Book 9, Hadith 396

Yahya related to me from Malik that Abu Jafar al-Qari said, "I was praying, and Abdullah ibn Umar was behind me and I was not aware of it. Then I turned round and he prodded me (in disapproval)."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي جَعْفَرٍ الْقَارِئِ، أَنَّهُ قَالَ كُنْتُ أُصَلِّي وَعَبْدُ اللَّهِ بْنُ عُمَرَ وَرَائِي وَلاَ أَشْعُرُ فَالْتَفَتُّ فَغَمَزَنِي .

USC-MSA web (English) reference : Book 9, Hadith 66
Arabic reference : Book 9, Hadith 397

Yahya related to me from Malik from Ibn Shihab that Abu Umama ibn Sahl ibn Hunayf said, "Zayd ibn Thabit entered the mosque and found the people in ruku, so he went into ruku and then moved slowly forward until he reached the row."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي أُمَامَةَ بْنِ سَهْلِ بْنِ حُنَيْفٍ، أَنَّهُ قَالَ دَخَلَ زَيْدُ بْنُ ثَابِتٍ الْمَسْجِدَ فَوَجَدَ النَّاسَ رُكُوعًا فَرَكَعَ ثُمَّ دَبَّ حَتَّى وَصَلَ الصَّفَّ .

USC-MSA web (English) reference : Book 9, Hadith 67
Arabic reference : Book 9, Hadith 398

Yahya related to me from Malik that he had heard that Abdullah ibn Masud used to move forward while in ruku.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، كَانَ يَدِبُّ رَاكِعًا .

USC-MSA web (English) reference : Book 9, Hadith 68
Arabic reference : Book 9, Hadith 399

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazim from his father that Amr ibn Sulaym az-Zuraqi said, "Abu Humayd as-Saidi told me that they asked the Messenger of Allah, may Allah bless him and grant him peace, how they were to ask for blessings upon him and he replied that they should say, 'O Allah, bless Muhammad and his wives and his descendants asYou blessed the family of Ibrahim, and give baraka to Muhammad and his wives and his descendants as You gave baraka to the family of Ibrahim. You are worthy of Praise and Glorious.'"

Allahumma salli ala Muhammad wa azwajihi wa alihi kama sallaita ala ali Ibrahim, wa barakaala Muhammad wa azwajihi wa alihi kama baraktaalaali Ibrahim, innaka Hamidu'm - Majid.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، عَنْ أَبِيهِ، عَنْ عَمْرِو بْنِ سُلَيْمٍ الزُّرَقِيِّ، أَنَّهُ قَالَ أَخْبَرَنِي أَبُو حُمَيْدٍ السَّاعِدِيُّ، أَنَّهُمْ قَالُوا يَا رَسُولَ اللَّهِ كَيْفَ نُصَلِّي عَلَيْكَ فَقَالَ " قُولُوا اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَأَزْوَاجِهِ وَذُرِّيَّتِهِ كَمَا صَلَّيْتَ عَلَى آلِ إِبْرَاهِيمَ وَبَارِكْ عَلَى مُحَمَّدٍ وَأَزْوَاجِهِ وَذُرِّيَّتِهِ كَمَا بَارَكْتَ عَلَى آلِ إِبْرَاهِيمَ إِنَّكَ حَمِيدٌ مَجِيدٌ " .

USC-MSA web (English) reference : Book 9, Hadith 69
Arabic reference : Book 9, Hadith 400

Yahya related to me from Malik from Nuaym ibn Abdullah al- Mujmirthat Muhammad ibn Abdullah ibn Zayd told him that Abu Masud al Ansari said, "The Messenger of Allah, may Allah bless him and grant him peace, came to us at the gathering of Sad ibn Ubada. Bashir ibn Sad said to him, 'Allah has ordered us to ask for blessings on you, Messenger of Allah. How should we do it?' The Messenger of Allah, may Allah bless him and grant him peace, remained silent until we wished we had not asked him. Then he told us to say, 'O Allah, bless Muhammad and the family of Muhammad as You blessed Ibrahim, and give baraka to Muhammad and the family of Muhammad as You gave baraka to the family of Ibrahim. In all the worlds You are worthy of Praise and Glorious,' and then give the taslim as you have learnt."

Allahumma salli ala Muhammad wa ali Muhammad kama sallaita Ibrahim, wa baraka ala Muhammad wa ali Muhammad kama baraktaala ali Ibrahim. Fi'l alamin, innaka Hamidu'm - Majid.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نُعَيْمِ بْنِ عَبْدِ اللَّهِ الْمُجْمِرِ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ زَيْدٍ، أَنَّهُ أَخْبَرَهُ عَنْ أَبِي مَسْعُودٍ الأَنْصَارِيِّ، أَنَّهُ قَالَ أَتَانَا رَسُولُ اللَّهِ صلى الله عليه وسلم فِي مَجْلِسِ سَعْدِ بْنِ عُبَادَةَ فَقَالَ لَهُ بَشِيرُ بْنُ سَعْدٍ أَمَرَنَا اللَّهُ أَنْ نُصَلِّيَ عَلَيْكَ يَا رَسُولَ اللَّهِ فَكَيْفَ نُصَلِّي عَلَيْكَ قَالَ فَسَكَتَ رَسُولُ اللَّهِ صلى الله عليه وسلم حَتَّى تَمَنَّيْنَا أَنَّهُ لَمْ يَسْأَلْهُ ثُمَّ قَالَ " قُولُوا اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَعَلَى آلِ مُحَمَّدٍ كَمَا صَلَّيْتَ عَلَى إِبْرَاهِيمَ وَبَارِكْ عَلَى مُحَمَّدٍ وَعَلَى آلِ مُحَمَّدٍ كَمَا بَارَكْتَ عَلَى آلِ إِبْرَاهِيمَ فِي الْعَالَمِينَ إِنَّكَ حَمِيدٌ مَجِيدٌ وَالسَّلاَمُ كَمَا قَدْ عَلِمْتُمْ " .

USC-MSA web (English) reference : Book 9, Hadith 70
Arabic reference : Book 9, Hadith 401

Yahya related to me from Malik that Abdullah ibn Dinar said, "I saw Abdullah ibn Umar stop by the grave of the Prophet, may Allah bless him and grant him peace, and ask for blessings on the Prophet, may Allah bless him and grant him peace, and on Abu Bakr and Umar."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، قَالَ رَأَيْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ يَقِفُ عَلَى قَبْرِ النَّبِيِّ صلى الله عليه وسلم فَيُصَلِّي عَلَى النَّبِيِّ صلى الله عليه وسلم وَعَلَى أَبِي بَكْرٍ وَعُمَرَ .

USC-MSA web (English) reference : Book 9, Hadith 71
Arabic reference : Book 9, Hadith 402

Yahya related to me from Malik from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, used to pray two rakas before dhuhr and two rakas after it, two rakas after maghrib, in his house, and two rakas after isha. He did not pray after jumua until he had left, and then he prayed two rakas.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُصَلِّي قَبْلَ الظُّهْرِ رَكْعَتَيْنِ وَبَعْدَهَا رَكْعَتَيْنِ وَبَعْدَ الْمَغْرِبِ رَكْعَتَيْنِ فِي بَيْتِهِ وَبَعْدَ صَلاَةِ الْعِشَاءِ رَكْعَتَيْنِ وَكَانَ لاَ يُصَلِّي بَعْدَ الْجُمُعَةِ حَتَّى يَنْصَرِفَ فَيَرْكَعَ رَكْعَتَيْنِ .

USC-MSA web (English) reference : Book 9, Hadith 72
Arabic reference : Book 9, Hadith 403

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do you see the direction I am facing here? By Allah, neither your concentration nor your ruku is hidden from me. I can see you behind my back."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَتَرَوْنَ قِبْلَتِي هَاهُنَا فَوَاللَّهِ مَا يَخْفَى عَلَىَّ خُشُوعُكُمْ وَلاَ رُكُوعُكُمْ إِنِّي لأَرَاكُمْ مِنْ وَرَاءِ ظَهْرِي " .

USC-MSA web (English) reference : Book 9, Hadith 73
Arabic reference : Book 9, Hadith 404

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that when the Messenger of Allah, may Allah bless him and grant him peace, used to go to Quba (to pray), he would walk as well as ride.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَأْتِي قُبَاءً رَاكِبًا وَمَاشِيًا .

USC-MSA web (English) reference : Book 9, Hadith 74
Arabic reference : Book 9, Hadith 405

Yahya related to me from Malik from Yahya ibn Said from an-Numan ibn Murra that the Messenger of Allah, may Allah bless him and grant him peace, said,"What about drunkenness, stealing and adultery? "That was before anything had been revealed about them. They said, "Allah and His Messenger know best." He said, "They are excesses and in them is a punishment. And the worst of thieves is the one who steals his prayer." They said, "How does he steal his prayer, Messenger of Allah?" He replied, "He does not do ruku or sajda properly."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ النُّعْمَانِ بْنِ مُرَّةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَا تَرَوْنَ فِي الشَّارِبِ وَالسَّارِقِ وَالزَّانِي " . وَذَلِكَ قَبْلَ أَنْ يُنْزَلَ فِيهِمْ . قَالُوا اللَّهُ وَرَسُولُهُ أَعْلَمُ . قَالَ " هُنَّ فَوَاحِشُ وَفِيهِنَّ عُقُوبَةٌ وَأَسْوَأُ السَّرِقَةِ الَّذِي يَسْرِقُ صَلاَتَهُ " . قَالُوا وَكَيْفَ يَسْرِقُ صَلاَتَهُ يَا رَسُولَ اللَّهِ قَالَ " لاَ يُتِمُّ رُكُوعَهَا وَلاَ سُجُودَهَا " .

USC-MSA web (English) reference : Book 9, Hadith 75
Arabic reference : Book 9, Hadith 406

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do some of the prayers in your houses."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " اجْعَلُوا مِنْ صَلاَتِكُمْ فِي بُيُوتِكُمْ " .

USC-MSA web (English) reference : Book 9, Hadith 76
Arabic reference : Book 9, Hadith 407

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "When a sick man is unable to prostrate he should motion with his head, and not raise anything to his forehead."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ إِذَا لَمْ يَسْتَطِعِ الْمَرِيضُ السُّجُودَ أَوْمَأَ بِرَأْسِهِ إِيمَاءً وَلَمْ يَرْفَعْ إِلَى جَبْهَتِهِ شَيْئًا .

USC-MSA web (English) reference : Book 9, Hadith 77
Arabic reference : Book 9, Hadith 408

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that if Abdullah ibn Umar arrived at the mosque and the people had already prayed, he would begin with the obligatory prayer and not pray anything before it.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا جَاءَ الْمَسْجِدَ - وَقَدْ صَلَّى النَّاسُ - بَدَأَ بِصَلاَةِ الْمَكْتُوبَةِ وَلَمْ يُصَلِّ قَبْلَهَا شَيْئًا .

USC-MSA web (English) reference : Book 9, Hadith 78
Arabic reference : Book 9, Hadith 409

Yahya related to me from Malik from Nafi that Abdullah ibn Umar passed by a man who was praying and said, "Peace be upon you," and the man replied to him. Abdullah ibn Umar returned to him and said, "When someone says, 'Peace be upon you' to you while you are praying do not reply, but give a signal with your hand."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، مَرَّ عَلَى رَجُلٍ وَهُوَ يُصَلِّي فَسَلَّمَ عَلَيْهِ فَرَدَّ الرَّجُلُ كَلاَمًا فَرَجَعَ إِلَيْهِ عَبْدُ اللَّهِ بْنُ عُمَرَ فَقَالَ لَهُ إِذَا سُلِّمَ عَلَى أَحَدِكُمْ وَهُوَ يُصَلِّي فَلاَ يَتَكَلَّمْ وَلْيُشِرْ بِيَدِهِ .

USC-MSA web (English) reference : Book 9, Hadith 79
Arabic reference : Book 9, Hadith 410

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Someone who only remembers that he has forgotten a prayer when he is praying the next prayer behind an imam, should pray the prayer he has forgotten after the imam has said the taslim, and then pray the other one again."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ مَنْ نَسِيَ صَلاَةً فَلَمْ يَذْكُرْهَا إِلاَّ وَهُوَ مَعَ الإِمَامِ فَإِذَا سَلَّمَ الإِمَامُ فَلْيُصَلِّ الصَّلاَةَ الَّتِي نَسِيَ ثُمَّ لِيُصَلِّ بَعْدَهَا الأُخْرَى .

USC-MSA web (English) reference : Book 9, Hadith 80
Arabic reference : Book 9, Hadith 411

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Yahya ibn Habban that his paternal uncle Wasi ibn Habban said, "I was praying, and Abdullah ibn Umar was resting his back on the wall of the qibla. When I had finished the prayer I turned towards him on my left hand side. Abdullah ibn Umar said, 'What stopped you from turning away to your right?' I replied, 'I saw you and turned towards you.' Abdullah said, 'You have spoken correctly. People say that you should turn away to your right, but when you pray, you can turn whichever way you wish. If you like, to your right, and if you like, to your left.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ عَمِّهِ، وَاسِعِ بْنِ حَبَّانَ، أَنَّهُ قَالَ كُنْتُ أُصَلِّي وَعَبْدُ اللَّهِ بْنُ عُمَرَ مُسْنِدٌ ظَهْرَهُ إِلَى جِدَارِ الْقِبْلَةِ فَلَمَّا قَضَيْتُ صَلاَتِي انْصَرَفْتُ إِلَيْهِ مِنْ قِبَلِ شِقِّي الأَيْسَرِ فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ مَا مَنَعَكَ أَنْ تَنْصَرِفَ عَنْ يَمِينِكَ قَالَ فَقُلْتُ رَأَيْتُكَ فَانْصَرَفْتُ إِلَيْكَ . قَالَ عَبْدُ اللَّهِ فَإِنَّكَ قَدْ أَصَبْتَ إِنَّ قَائِلاً يَقُولُ انْصَرِفْ عَنْ يَمِينِكَ فَإِذَا كُنْتَ تُصَلِّي فَانْصَرِفْ حَيْثُ شِئْتَ إِنْ شِئْتَ عَنْ يَمِينِكَ وَإِنْ شِئْتَ عَنْ يَسَارِكَ .

USC-MSA web (English) reference : Book 9, Hadith 81
Arabic reference : Book 9, Hadith 412

Yahya related to me from Malik from Hisham ibn Urwa from his father that one of the muhajirun in whom he saw no harm asked Abdullah ibn Amr ibn al-As, "Can I pray in a place where camels are watered?" Abdullah replied, "No, but you can pray in a sheep-pen."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ رَجُلٍ، مِنَ الْمُهَاجِرِينَ لَمْ يَرَ بِهِ بَأْسًا أَنَّهُ سَأَلَ عَبْدَ اللَّهِ بْنَ عَمْرِو بْنِ الْعَاصِ أَأُصَلِّي فِي عَطَنِ الإِبِلِ فَقَالَ عَبْدُ اللَّهِ لاَ وَلَكِنْ صَلِّ فِي مُرَاحِ الْغَنَمِ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 82
Arabic reference : Book 9, Hadith 413

Yahya related to me from Malik from Ibn Shihab that Said ibn al- Musayyab said, "Which prayer is it when you remain in the sitting position in every raka?'' Said said, "It is maghrib when you miss one raka, and that is the sunna in all the prayers."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ مَا صَلاَةٌ يُجْلَسُ فِي كُلِّ رَكْعَةٍ مِنْهَا ثُمَّ قَالَ سَعِيدٌ هِيَ الْمَغْرِبُ إِذَا فَاتَتْكَ مِنْهَا رَكْعَةٌ وَكَذَلِكَ سُنَّةُ الصَّلاَةِ كُلِّهَا ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 83
Arabic reference : Book 9, Hadith 414

Yahya related to me from Malik from Amir ibn Abdullah ibn az- Zubayr from Amr ibn Sulaym az-Zuraqi from Abu Qutada al-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, used to pray carrying Umama, who was the daughter of his daughter Zaynab by Abu'l As ibn Rabia ibn Abd Shams. When he prostrated, he put her down, and when he got up he carried her.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَامِرِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ عَمْرِو بْنِ سُلَيْمٍ الزُّرَقِيِّ، عَنْ أَبِي قَتَادَةَ الأَنْصَارِيِّ، ‏.‏ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُصَلِّي وَهُوَ حَامِلٌ أُمَامَةَ بِنْتَ زَيْنَبَ بِنْتِ رَسُولِ اللَّهِ صلى الله عليه وسلم وَلأَبِي الْعَاصِ بْنِ رَبِيعَةَ بْنِ عَبْدِ شَمْسٍ فَإِذَا سَجَدَ وَضَعَهَا وَإِذَا قَامَ حَمَلَهَا ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 84
Arabic reference : Book 9, Hadith 415

Yahya related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A group of angels in the night and a group of angels in the day alternate with each other among you, and gather together at the time of the asr and fajr prayers. Then those that have spent the night among you ascend, and He asks them, and He knows best, 'How did you leave my slaves?' and they say, 'When we left them they were praying, and when we came to them they were praying.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ يَتَعَاقَبُونَ فِيكُمْ مَلاَئِكَةٌ بِاللَّيْلِ وَمَلاَئِكَةٌ بِالنَّهَارِ وَيَجْتَمِعُونَ فِي صَلاَةِ الْعَصْرِ وَصَلاَةِ الْفَجْرِ ثُمَّ يَعْرُجُ الَّذِينَ بَاتُوا فِيكُمْ فَيَسْأَلُهُمْ وَهُوَ أَعْلَمُ بِهِمْ كَيْفَ تَرَكْتُمْ عِبَادِي فَيَقُولُونَ تَرَكْنَاهُمْ وَهُمْ يُصَلُّونَ وَأَتَيْنَاهُمْ وَهُمْ يُصَلُّونَ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 85
Arabic reference : Book 9, Hadith 416

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said, "Tell Abu Bakr to lead the people in prayer." A'isha said, "Messenger of Allah, when Abu Bakr stands in your place his voice does not reach the ears of the people because of his weeping, so tell Umar to lead the people in prayer." He said, "Tell Abu Bakr to lead the people in prayer." A'isha continued, "I told Hafsa to tell him that when Abu Bakr stood in his place his voice did not reach the ears of the people because of his weeping, and that he should tell Umar to lead the people in prayer. Hafsa did so, and the Messenger of Allah, may Allah bless him and grant him peace, said, 'You are the companions of Yusuf! (referring to the women who cut their hands when they saw the beauty of Yusuf). Tell Abu Bakr to lead the people in prayer!' "

A'isha added that Hafsa said to her, "I have never had anything good from you!"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مُرُوا أَبَا بَكْرٍ فَلْيُصَلِّ لِلنَّاسِ " . فَقَالَتْ عَائِشَةُ إِنَّ أَبَا بَكْرٍ يَا رَسُولَ اللَّهِ إِذَا قَامَ فِي مَقَامِكَ لَمْ يُسْمِعِ النَّاسَ مِنَ الْبُكَاءِ فَمُرْ عُمَرَ فَلْيُصَلِّ لِلنَّاسِ . قَالَ " مُرُوا أَبَا بَكْرٍ فَلْيُصَلِّ لِلنَّاسِ " . قَالَتْ عَائِشَةُ فَقُلْتُ لِحَفْصَةَ قُولِي لَهُ إِنَّ أَبَا بَكْرٍ إِذَا قَامَ فِي مَقَامِكَ لَمْ يُسْمِعِ النَّاسَ مِنَ الْبُكَاءِ فَمُرْ عُمَرَ فَلْيُصَلِّ لِلنَّاسِ فَفَعَلَتْ حَفْصَةُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّكُنَّ لأَنْتُنَّ صَوَاحِبُ يُوسُفَ مُرُوا أَبَا بَكْرٍ فَلْيُصَلِّ لِلنَّاسِ " . فَقَالَتْ حَفْصَةُ لِعَائِشَةَ مَا كُنْتُ لأُصِيبَ مِنْكِ خَيْرًا .

USC-MSA web (English) reference : Book 9, Hadith 86
Arabic reference : Book 9, Hadith 417

Yahya related to me from Malik from Ibn Shihab from Ata ibn Yazid al-Laythi that Ubaydullah ibn Adi ibnal-Khiyar said, "Once when the Messenger of Allah, may Allah bless him and grant him peace, was sitting with some people, a man came to him and spoke secretly to him. Nobody knew what he had said until the Messenger of Allah, may Allah bless him and grant him peace, disclosed that he had asked for permission to kill one of the hypocrites. When he disclosed this, the Messenger of Allah, may Allah bless him and grant him peace, said, 'Doesn't he testify that there is no god but Allah and that Muhammad is the Messenger of Allah?' The man replied, 'Of course, but he hasn't really done so.' He said, 'Doesn't he do the prayer?' and the man replied, 'Of course, but he doesn't really do the prayer.' He said, may Allah bless him and grant him peace, 'Those are the ones whom Allah has forbidden me (to kill).' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَطَاءِ بْنِ يَزِيدَ اللَّيْثِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَدِيِّ بْنِ الْخِيَارِ، أَنَّهُ قَالَ بَيْنَمَا رَسُولُ اللَّهِ صلى الله عليه وسلم جَالِسٌ بَيْنَ ظَهْرَانَىِ النَّاسِ إِذْ جَاءَهُ رَجُلٌ فَسَارَّهُ فَلَمْ يُدْرَ مَا سَارَّهُ بِهِ حَتَّى جَهَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَإِذَا هُوَ يَسْتَأْذِنُهُ فِي قَتْلِ رَجُلٍ مِنَ الْمُنَافِقِينَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم حِينَ جَهَرَ " أَلَيْسَ يَشْهَدُ أَنْ لاَ إِلَهَ إِلاَّ اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ " . فَقَالَ الرَّجُلُ بَلَى وَلاَ شَهَادَةَ لَهُ . فَقَالَ " أَلَيْسَ يُصَلِّي " . قَالَ بَلَى وَلاَ صَلاَةَ لَهُ . فَقَالَ صلى الله عليه وسلم " أُولَئِكَ الَّذِينَ نَهَانِي اللَّهُ عَنْهُمْ " .

USC-MSA web (English) reference : Book 9, Hadith 87
Arabic reference : Book 9, Hadith 418

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "O Allah! Do not make my grave an idol that is worshipped. The anger on those who took the graves of their Prophets as places of prostration was terrible."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " اللَّهُمَّ لاَ تَجْعَلْ قَبْرِي وَثَنًا يُعْبَدُ اشْتَدَّ غَضَبُ اللَّهِ عَلَى قَوْمٍ اتَّخَذُوا قُبُورَ أَنْبِيَائِهِمْ مَسَاجِدَ " .

USC-MSA web (English) reference : Book 9, Hadith 88
Arabic reference : Book 9, Hadith 419

Yahya related to me from Malik from Ibn Shihab from Mahmud ibn Rabi al-Ansari that Utban ibn Malik, who was a blind man, used to lead his people in prayer, and he said to the Messenger of Allah, may Allah bless him and grant him peace, "Sometimes it is dark and rainy and there is a lot of water around outside, and I am a man who has lost his sight. Messenger of Allah, pray in a certain place in my house so that I can take it as a place to pray." The Messenger of Allah, may Allah bless him and grant him peace, came to him and said, "Where would you like me to pray?" He indicated a place to him and the Messengerof Allah, may Allah bless him and grant him peace, prayed there.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ مَحْمُودِ بْنِ الرَّبِيعِ الأَنْصَارِيِّ، أَنَّ عِتْبَانَ بْنَ مَالِكٍ، كَانَ يَؤُمُّ قَوْمَهُ وَهُوَ أَعْمَى وَأَنَّهُ قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم إِنَّهَا تَكُونُ الظُّلْمَةُ وَالْمَطَرُ وَالسَّيْلُ وَأَنَا رَجُلٌ ضَرِيرُ الْبَصَرِ فَصَلِّ يَا رَسُولَ اللَّهِ فِي بَيْتِي مَكَانًا أَتَّخِذْهُ مُصَلًّى . فَجَاءَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقَالَ " أَيْنَ تُحِبُّ أَنْ أُصَلِّيَ " . فَأَشَارَ لَهُ إِلَى مَكَانٍ مِنَ الْبَيْتِ فَصَلَّى فِيهِ رَسُولُ اللَّهِ صلى الله عليه وسلم .

USC-MSA web (English) reference : Book 9, Hadith 89
Arabic reference : Book 9, Hadith 420

Yahya related to me from Malik from Ibn Shihab from Abbad ibn Tamim from his paternal uncle that he saw the Messenger of Allah, may Allah bless him and grant him peace, lying down in the mosque with one foot on top of the other.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبَّادِ بْنِ تَمِيمٍ، عَنْ عَمِّهِ، أَنَّهُ رَأَى رَسُولَ اللَّهِ صلى الله عليه وسلم مُسْتَلْقِيًا فِي الْمَسْجِدِ وَاضِعًا إِحْدَى رِجْلَيْهِ عَلَى الأُخْرَى .

USC-MSA web (English) reference : Book 9, Hadith 90
Arabic reference : Book 9, Hadith 421

Yahya related to me from Malik from Ibn Shihab from Said ihn al-Musayyab that Umar ibn al Khattab and Uthman ibn Affan, may Allah be pleased with them, used to do the same.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَعُثْمَانَ بْنَ عَفَّانَ، - رضى الله عنهما - كَانَا يَفْعَلاَنِ ذَلِكَ .

USC-MSA web (English) reference : Book 9, Hadith 90
Arabic reference : Book 9, Hadith 422

Yahya related to me from Malik from Yahya ibn Said that Abdullah ibn Masud said to a certain man, "You are in a time when men of understanding (fuqaha) are many and Qur'an reciters are few, when the limits of behaviour defined in the Qur'an are guarded and its letters are lost, when few people ask and many give, when they make the prayer long and the khutba short, and put their actions before their desires. A time will come upon men when their

fuqaha are few but their Qur'an reciters are many, when the letters of the Qur'an are guarded carefully but its limits are lost, when many ask but few give, when they make the khutba long but the prayer short, and put their desires before their actions."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، قَالَ لإِنْسَانٍ إِنَّكَ فِي زَمَانٍ كَثِيرٌ فُقَهَاؤُهُ قَلِيلٌ قُرَّاؤُهُ تُحْفَظُ فِيهِ حُدُودُ الْقُرْآنِ وَتُضَيَّعُ حُرُوفُهُ قَلِيلٌ مَنْ يَسْأَلُ كَثِيرٌ مَنْ يُعْطِي يُطِيلُونَ فِيهِ الصَّلاَةَ وَيَقْصُرُونَ الْخُطْبَةَ يُبَدُّونَ أَعْمَالَهُمْ قَبْلَ أَهْوَائِهِمْ وَسَيَأْتِي عَلَى النَّاسِ زَمَانٌ قَلِيلٌ فُقَهَاؤُهُ كَثِيرٌ قُرَّاؤُهُ يُحْفَظُ فِيهِ حُرُوفُ الْقُرْآنِ وَتُضَيَّعُ حُدُودُهُ كَثِيرٌ مَنْ يَسْأَلُ قَلِيلٌ مَنْ يُعْطِي يُطِيلُونَ فِيهِ الْخُطْبَةَ وَيَقْصُرُونَ الصَّلاَةَ يُبَدُّونَ فِيهِ أَهْوَاءَهُمْ قَبْلَ أَعْمَالِهِمْ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 91
Arabic reference : Book 9, Hadith 423

Yahya related to me from Malik that Yahya ibn Said said, "I have heard that the first of the actions of a slave to be considered on the day of rising is the prayer. If it is accepted from him, the rest of his actions will be considered, and if it is not accepted from him, none of his actions will be considered."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ بَلَغَنِي أَنَّ أَوَّلَ، مَا يُنْظَرُ فِيهِ مِنْ عَمَلِ الْعَبْدِ الصَّلاَةُ فَإِنْ قُبِلَتْ مِنْهُ نُظِرَ فِيمَا بَقِيَ مِنْ عَمَلِهِ وَإِنْ لَمْ تُقْبَلْ مِنْهُ لَمْ يُنْظَرْ فِي شَىْءٍ مِنْ عَمَلِهِ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 92
Arabic reference : Book 9, Hadith 424

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The actions which the Messenger of Allah, may Allah bless him and grant him peace, loved most were those which were done most constantly."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ كَانَ أَحَبُّ الْعَمَلِ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم الَّذِي يَدُومُ عَلَيْهِ صَاحِبُهُ ‏.‏

USC-MSA web (English) reference : Book 9, Hadith 92
Arabic reference : Book 9, Hadith 425

Yahya related to me from Malik that he had heard from Amir ibn Sad ibn Abi Waqqas that his father said, "There were two brothers, one of whom died forty nights before the other. The merit of the first was being mentioned in the presence of the Messenger of Allah, may Allah bless him and grant him peace, and he said, 'Wasn't the other one a muslim?' They said, 'Of course, Messenger of Allah, and there was no harm in him.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'What will make you realise what his prayer has brought him. The prayer is like a deep river of sweet water running by your door into which you plunge five times a day. How much of your dirtiness do you think that will leave? You do not realise what his prayer has brought him.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ عَامِرِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ، عَنْ أَبِيهِ، أَنَّهُ قَالَ كَانَ رَجُلاَنِ أَخَوَانِ فَهَلَكَ أَحَدُهُمَا قَبْلَ صَاحِبِهِ بِأَرْبَعِينَ لَيْلَةً فَذُكِرَتْ فَضِيلَةُ الأَوَّلِ عِنْدَ رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ ‏"‏ أَلَمْ يَكُنِ الآخَرُ مُسْلِمًا ‏"‏ ‏.‏ قَالُوا بَلَى يَا رَسُولَ اللَّهِ وَكَانَ لاَ بَأْسَ بِهِ ‏.‏ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ وَمَا يُدْرِيكُمْ مَا بَلَغَتْ بِهِ صَلاَتُهُ إِنَّمَا مَثَلُ الصَّلاَةِ كَمَثَلِ

نَهْرٍ غَمْرٍ عَذْبٍ بِبَابِ أَحَدِكُمْ يَقْتَحِمُ فِيهِ كُلَّ يَوْمٍ خَمْسَ مَرَّاتٍ فَمَا تَرَوْنَ ذَلِكَ يُبْقِي مِنْ دَرَنِهِ فَإِنَّكُمْ لاَ تَدْرُونَ مَا بَلَغَتْ بِهِ صَلاَتُهُ " .

USC-MSA web (English) reference : Book 9, Hadith 94
Arabic reference : Book 9, Hadith 426

Yahya related to me from Malik that he had heard that if some one passed by Ata ibn Yasar in the mosque with something to trade, he would call him and ask, "What is the matter with you? What do you want?" If the man said that he wished to trade with him, he would say, "You need the market of this world. This is the market of the next world."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَطَاءَ بْنَ يَسَارٍ، كَانَ إِذَا مَرَّ عَلَيْهِ بَعْضُ مَنْ يَبِيعُ فِي الْمَسْجِدِ دَعَاهُ فَسَأَلَهُ مَا مَعَكَ وَمَا تُرِيدُ فَإِنْ أَخْبَرَهُ أَنَّهُ يُرِيدُ أَنْ يَبِيعَهُ قَالَ عَلَيْكَ بِسُوقِ الدُّنْيَا وَإِنَّمَا هَذَا سُوقُ الآخِرَةِ .

USC-MSA web (English) reference : Book 9, Hadith 95
Arabic reference : Book 9, Hadith 427

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab set aside an area near the mosque called al-Butayha and said, "Whoever wishes to talk nonsense or recite poetry or raise his voice should go to that area."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، بَنَى رَحْبَةً فِي نَاحِيَةِ الْمَسْجِدِ تُسَمَّى الْبُطَيْحَاءَ وَقَالَ مَنْ كَانَ يُرِيدُ أَنْ يَلْغَطَ أَوْ يُنْشِدَ شِعْرًا أَوْ يَرْفَعَ صَوْتَهُ فَلْيَخْرُجْ إِلَى هَذِهِ الرَّحْبَةِ .

USC-MSA web (English) reference : Book 9, Hadith 96
Arabic reference : Book 9, Hadith 428

Yahya related to me from Malik from his paternal uncle Abu Suhayl ibn Malik that his father heard Talha ibn Ubaydullah say, "Once one of the people of Najd came to the Messenger of Allah, may Allah bless him and grant him peace. He had dishevelled hair and although his voice could be heard we could not make out what he was saying until he drew nearer and then we found he was asking about Islam. The Messenger of Allah, may Allah bless him and grant him peace, said to him, 'There are five prayers during the day and the night.' He said, 'Do I have to do anything else besides that?' The Messenger of Allah, may Allah bless him and grant him peace, added, 'And fasting the month of Ramadan.' He said, 'Is there anything else I have to do?' He said, 'No, except what you do of your own accord.' The Messenger of Allah, may Allah bless him and grant him peace, mentioned zakat. The man said, 'Is there anything else that I have to do?' He said, 'No, except what you do of your own accord.'

He continued, "The man went away saying, 'By Allah, I won't do any more than this, nor will I do any less.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'That man will be successful, if he is telling the truth.'

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، أَنَّهُ سَمِعَ طَلْحَةَ بْنَ عُبَيْدِ اللَّهِ، يَقُولُ جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم مِنْ أَهْلِ نَجْدٍ ثَائِرُ الرَّأْسِ يُسْمَعُ دَوِيُّ صَوْتِهِ وَلاَ نَفْقَهُ مَا يَقُولُ حَتَّى دَنَا فَإِذَا هُوَ يَسْأَلُ عَنِ الإِسْلاَمِ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " خَمْسُ صَلَوَاتٍ فِي الْيَوْمِ وَاللَّيْلَةِ " . قَالَ هَلْ عَلَىَّ غَيْرُهُنَّ قَالَ " لاَ إِلاَّ أَنْ تَطَّوَّعَ " . قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " وَصِيَامُ شَهْرِ رَمَضَانَ " . قَالَ هَلْ عَلَىَّ غَيْرُهُ قَالَ " لاَ إِلاَّ أَنْ تَطَّوَّعَ " . قَالَ وَذَكَرَ رَسُولُ اللَّهِ صلى الله عليه

وسلم الزَّكَاةَ . فَقَالَ هَلْ عَلَىَّ غَيْرُهَا قَالَ " لاَ إِلاَّ أَنْ تَطَّوَّعَ " . قَالَ فَأَدْبَرَ الرَّجُلُ وَهُوَ يَقُولُ وَاللَّهِ لاَ أَزِيدُ عَلَى هَذَا وَلاَ أَنْقُصُ مِنْهُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَفْلَحَ الرَّجُلُ إِنْ صَدَقَ " .

USC-MSA web (English) reference : Book 9, Hadith 97
Arabic reference : Book 9, Hadith 429

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Shaytan ties three knots at the back of your head when you sleep, and he seals the place of each knot with 'You have a long night ahead, so sleep.' If you wake up and remember Allah, a knot is untied. If you do wudu, a knot is untied. If you pray, a knot is untied, and morning finds you lively and in good spirits, and if not, morning finds you in bad spirits and lazy."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " يَعْقِدُ الشَّيْطَانُ عَلَى قَافِيَةِ رَأْسِ أَحَدِكُمْ إِذَا هُوَ نَامَ ثَلاَثَ عُقَدٍ يَضْرِبُ مَكَانَ كُلِّ عُقْدَةٍ عَلَيْكَ لَيْلٌ طَوِيلٌ فَارْقُدْ فَإِنِ اسْتَيْقَظَ فَذَكَرَ اللَّهَ انْحَلَّتْ عُقْدَةٌ فَإِنْ تَوَضَّأَ انْحَلَّتْ عُقْدَةٌ فَإِنْ صَلَّى انْحَلَّتْ عُقَدُهُ فَأَصْبَحَ نَشِيطًا طَيِّبَ النَّفْسِ وَإِلاَّ أَصْبَحَ خَبِيثَ النَّفْسِ كَسْلاَنَ " .

USC-MSA web (English) reference : Book 9, Hadith 98
Arabic reference : Book 9, Hadith 430

10 - The Two 'Ids كتاب العيدين

Yahya related to me from Malik that he had heard more than one of their men of knowledge say, "There has been no call to prayer or iqama for the id al-Fitr or the id al-Adha since the time of the Messenger of Allah, may Allah bless him and grant him peace."
Malik said, "That is the sunna about which there is no disagreement among us."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ سَمِعَ غَيْرَ، وَاحِدٍ، مِنْ عُلَمَائِهِمْ يَقُولُ لَمْ يَكُنْ فِي عِيدِ الْفِطْرِ وَلاَ فِي الأَضْحَى نِدَاءٌ وَلاَ إِقَامَةٌ مُنْذُ زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم إِلَى الْيَوْمِ . قَالَ مَالِكٌ وَتِلْكَ السُّنَّةُ الَّتِي لاَ اخْتِلاَفَ فِيهَا عِنْدَنَا .

USC-MSA web (English) reference : Book 10, Hadith 1
Arabic reference : Book 10, Hadith 431

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to do ghusl on the day of Fitr before going to the place of prayer.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَغْتَسِلُ يَوْمَ الْفِطْرِ قَبْلَ أَنْ يَغْدُوَ إِلَى الْمُصَلَّى .

USC-MSA web (English) reference : Book 10, Hadith 2
Arabic reference : Book 10, Hadith 432

Yahya related to me from Malik from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, used to pray on the day of Fitr and the day of Adha before the khutba.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُصَلِّي يَوْمَ الْفِطْرِ وَيَوْمَ الأَضْحَى قَبْلَ الْخُطْبَةِ .

USC-MSA web (English) reference : Book 10, Hadith 3
Arabic reference : Book 10, Hadith 433

Yahya related to me from Malik that he had heard that Abu Bakr and Umar used to do that.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا بَكْرٍ، وَعُمَرَ، كَانَا يَفْعَلاَنِ ذَلِكَ .

USC-MSA web (English) reference : Book 10, Hadith 4
Arabic reference : Book 10, Hadith 434

Yahya related to me from Malik from Ibn Shihab that Abu Ubayd, the mawla of Ibn Azhar said, "I was present at an id with Umar ibn al- Khattab. He prayed, and then after he had prayed he gave a khutba to the people and said, 'The Messenger of Allah, may Allah bless him and grant him peace, forbade fasting on these two days - the day you break your fast (after Ramadan), and the day you eat from your sacrifice (after Hajj) .' "

Abu Ubaydcontinued,"Then I was present at an id with Uthman ibn Affan. He came and prayed, and when he had finished he gave a khutba and said, 'Two ids have been joined together for you on this day of yours. If any of the people of al-Aliyya (the hills outlying Madina) want to wait for the jumua they can do so, and if any of them want to return, I have given them permission.' Abu Ubayd continued, "Then I was present at an id with AIi ibn Abi Talib (at the time when Uthman was being detained). He came and prayed, and then after he had prayed he gave a khutba."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي عُبَيْدٍ، مَوْلَى ابْنِ أَزْهَرَ قَالَ شَهِدْتُ الْعِيدَ مَعَ عُمَرَ بْنِ الْخَطَّابِ فَصَلَّى ثُمَّ انْصَرَفَ فَخَطَبَ النَّاسَ فَقَالَ إِنَّ هَذَيْنِ يَوْمَانِ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ صِيَامِهِمَا يَوْمُ فِطْرِكُمْ مِنْ صِيَامِكُمْ وَالآخَرُ يَوْمٌ تَأْكُلُونَ فِيهِ مِنْ نُسُكِكُمْ . قَالَ أَبُو عُبَيْدٍ ثُمَّ شَهِدْتُ الْعِيدَ مَعَ عُثْمَانَ بْنِ عَفَّانَ فَجَاءَ فَصَلَّى ثُمَّ انْصَرَفَ فَخَطَبَ وَقَالَ إِنَّهُ قَدِ اجْتَمَعَ لَكُمْ فِي يَوْمِكُمْ هَذَا عِيدَانِ فَمَنْ أَحَبَّ مِنْ أَهْلِ الْعَالِيَةِ أَنْ يَنْتَظِرَ الْجُمُعَةَ فَلْيَنْتَظِرْهَا وَمَنْ أَحَبَّ أَنْ يَرْجِعَ فَقَدْ أَذِنْتُ لَهُ . قَالَ أَبُو عُبَيْدٍ ثُمَّ شَهِدْتُ الْعِيدَ مَعَ عَلِيِّ بْنِ أَبِي طَالِبٍ - وَعُثْمَانُ مَحْصُورٌ - فَجَاءَ فَصَلَّى ثُمَّ انْصَرَفَ فَخَطَبَ .

USC-MSA web (English) reference : Book 10, Hadith 5
Arabic reference : Book 10, Hadith 435

Yahya related to me from Malik from Hisham ibn Urwa from his father that he used to eat on the day of the id al-Fitr before going out.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَأْكُلُ يَوْمَ عِيدِ الْفِطْرِ قَبْلَ أَنْ يَغْدُوَ .

USC-MSA web (English) reference : Book 10, Hadith 6
Arabic reference : Book 10, Hadith 436

Yahya related to me from Malik from Ibn Shihab that Said al- Musayyab told him that people used to be told to eat on the day of Fitr before setting out. Malik said that he did not consider that people had to do that for Adha.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ أَخْبَرَهُ أَنَّ النَّاسَ كَانُوا يُؤْمَرُونَ بِالأَكْلِ يَوْمَ الْفِطْرِ قَبْلَ الْغُدُوِّ . قَالَ مَالِكٌ وَلاَ أَرَى ذَلِكَ عَلَى النَّاسِ فِي الأَضْحَى .

USC-MSA web (English) reference : Book 10, Hadith 7
Arabic reference : Book 10, Hadith 437

Yahya related to me from Malik from Damra ibn Said al-Mazini from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Umar ibn al-Khattab asked Abu Waqid al-Laythi what the Messenger of Allah, may Allah bless him and grant him peace, used to recite in the prayers of Adha and Fitr. He said, "He used to recite Qaf (Sura 50) and al-lnshiqaq (Sura84)."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ ضَمْرَةَ بْنِ سَعِيدٍ الْمَازِنِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، سَأَلَ أَبَا وَاقِدٍ اللَّيْثِيَّ مَا كَانَ يَقْرَأُ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم فِي الأَضْحَى وَالْفِطْرِ فَقَالَ كَانَ يَقْرَأُ بِـ {ق وَالْقُرْآنِ الْمَجِيدِ}وَ {اقْتَرَبَتِ السَّاعَةُ وَانْشَقَّ الْقَمَرُ}.

USC-MSA web (English) reference : Book 10, Hadith 8
Arabic reference : Book 10, Hadith 438

Yahya related to me from Malik that Nafi, the mawla of Abdullah ibn Umar said, "I was at Adha and Fitr with Abu Hurayra and he said 'Allah is greater' seven times in the first raka, before the recitation, and five times in the second, before the recitation."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، مَوْلَى عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّهُ قَالَ شَهِدْتُ الأَضْحَى وَالْفِطْرَ مَعَ أَبِي هُرَيْرَةَ فَكَبَّرَ فِي الرَّكْعَةِ الأُولَى سَبْعَ تَكْبِيرَاتٍ قَبْلَ الْقِرَاءَةِ وَفِي الآخِرَةِ خَمْسَ تَكْبِيرَاتٍ قَبْلَ الْقِرَاءَةِ . قَالَ مَالِكٌ وَهُوَ الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ فِي رَجُلٍ وَجَدَ النَّاسَ قَدِ انْصَرَفُوا مِنَ الصَّلاَةِ يَوْمَ الْعِيدِ إِنَّهُ لاَ يَرَى عَلَيْهِ صَلاَةً فِي الْمُصَلَّى وَلاَ فِي بَيْتِهِ وَإِنَّهُ إِنْ صَلَّى فِي الْمُصَلَّى أَوْ فِي بَيْتِهِ لَمْ أَرَ بِذَلِكَ بَأْسًا وَيُكَبِّرُ سَبْعًا فِي الأُولَى قَبْلَ الْقِرَاءَةِ وَخَمْسًا فِي الثَّانِيَةِ قَبْلَ الْقِرَاءَةِ .

USC-MSA web (English) reference : Book 10, Hadith 9
Arabic reference : Book 10, Hadith 439

Yahya related to me from Malik from Nafi that Abdullah ibn Umar did not pray either before the prayer or after it on the day of Fitr.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، لَمْ يَكُنْ يُصَلِّي يَوْمَ الْفِطْرِ قَبْلَ الصَّلاَةِ وَلاَ بَعْدَهَا .

USC-MSA web (English) reference : Book 10, Hadith 10
Arabic reference : Book 10, Hadith 440

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab used to go to the place of prayer after praying subh, and before the sun rose.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، كَانَ يَغْدُو إِلَى الْمُصَلَّى بَعْدَ أَنْ يُصَلِّيَ الصُّبْحَ قَبْلَ طُلُوعِ الشَّمْسِ .

USC-MSA web (English) reference : Book 10, Hadith 11
Arabic reference : Book 10, Hadith 441

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that his father used to pray four rakas before he went to the place of prayer.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، أَنَّ أَبَاهُ الْقَاسِمَ، كَانَ يُصَلِّي قَبْلَ أَنْ يَغْدُوَ، إِلَى الْمُصَلَّى أَرْبَعَ رَكَعَاتٍ .

USC-MSA web (English) reference : Book 10, Hadith 12
Arabic reference : Book 10, Hadith 442

Yahya related to me from Hisham ibn Urwa that his father used to pray on the day of Fitr before the prayer in the mosque.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يُصَلِّي يَوْمَ الْفِطْرِ قَبْلَ الصَّلاَةِ فِي الْمَسْجِدِ .

USC-MSA web (English) reference : Book 10, Hadith 13
Arabic reference : Book 10, Hadith 443

Yahya related to me that Malik said, "The sunna concerning the time of prayer on the ids of Fitr and Adha - and there is no disagreement amongst us about it - is that the imam leaves his house and as soon as he has reached the place of prayer the prayer falls due."

Yahya said that Malik was asked whether a man who prayed with the imam could leave before the khutba, and he said, "He should not leave until the imam leaves."

USC-MSA web (English) reference : Book 10, Hadith 14

11 - The Fear Prayer كتاب صلاة الخوف

Yahya related to me from Malik from Yazid ibn Ruman from Salih ibn Khawwat from someone who had prayed (the prayer of fear) with the Messenger of Allah, may Allah bless him and grant him peace, on the day of Dhat ar-Riqa that one group had formed a row with him and one group had formed a row opposite the enemy. He then prayed one raka with the group he was with, and then remained standing while they finished by themselves. They then left and formed a row opposite the enemy, and then the other group came and he prayed the remaining raka of his prayer with them, and then remained sitting while they finished by themselves. Then he said the taslim with them.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ رُومَانَ، عَنْ صَالِحِ بْنِ خَوَّاتٍ، عَمَّنْ صَلَّى مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم يَوْمَ ذَاتِ الرِّقَاعِ صَلاَةَ الْخَوْفِ أَنَّ طَائِفَةً صَفَّتْ مَعَهُ وَصَفَّتْ طَائِفَةٌ وِجَاهَ الْعَدُوِّ فَصَلَّى بِالَّتِي مَعَهُ رَكْعَةً ثُمَّ ثَبَتَ قَائِمًا وَأَتَمُّوا لأَنْفُسِهِمْ ثُمَّ انْصَرَفُوا فَصَفُّوا وِجَاهَ الْعَدُوِّ وَجَاءَتِ الطَّائِفَةُ الأُخْرَى فَصَلَّى بِهِمُ الرَّكْعَةَ الَّتِي بَقِيَتْ مِنْ صَلاَتِهِ ثُمَّ ثَبَتَ جَالِسًا وَأَتَمُّوا لأَنْفُسِهِمْ ثُمَّ سَلَّمَ بِهِمْ ‏.‏

USC-MSA web (English) reference : Book 11, Hadith 1
Arabic reference : Book 11, Hadith 444

Yahya related to me from Malik from Yahya ibn Said from al-Qasim ibn Muhammad from Salih ibn Khawwat that Sahl ibn Abi Hathma related to him that the form of the prayer of fear was that the imam stood with a group of his companions, while another group faced the enemy. The imam prayed one raka with them, including the prostration, and then stood. He remained standing while they completed the remaining raka by themselves. They then said the taslim, left, and formed up opposite the enemy while the imam remained standing. Then the others who had not prayed came forward and said the takbir behind the imam and he prayed one raka with them, including the prostration. He then said the taslim, while they stood up and prayed the remaining raka by themselves. Then they said the taslim.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ صَالِحِ بْنِ خَوَّاتٍ، أَنَّ سَهْلَ بْنَ أَبِي حَثْمَةَ، حَدَّثَهُ أَنَّ صَلاَةَ الْخَوْفِ أَنْ يَقُومَ الإِمَامُ وَمَعَهُ طَائِفَةٌ مِنْ أَصْحَابِهِ وَطَائِفَةٌ مُوَاجِهَةٌ الْعَدُوَّ فَيَرْكَعُ الإِمَامُ رَكْعَةً وَيَسْجُدُ بِالَّذِينَ مَعَهُ ثُمَّ يَقُومُ فَإِذَا اسْتَوَى قَائِمًا ثَبَتَ وَأَتَمُّوا لأَنْفُسِهِمُ الرَّكْعَةَ الْبَاقِيَةَ ثُمَّ يُسَلِّمُونَ وَيَنْصَرِفُونَ وَالإِمَامُ قَائِمٌ فَيَكُونُونَ وِجَاهَ الْعَدُوِّ ثُمَّ يُقْبِلُ الآخَرُونَ الَّذِينَ لَمْ يُصَلُّوا فَيُكَبِّرُونَ وَرَاءَ الإِمَامِ فَيَرْكَعُ بِهِمُ الرَّكْعَةَ وَيَسْجُدُ ثُمَّ يُسَلِّمُ فَيَقُومُونَ فَيَرْكَعُونَ لأَنْفُسِهِمُ الرَّكْعَةَ الْبَاقِيَةَ ثُمَّ يُسَلِّمُونَ ‏.‏

USC-MSA web (English) reference : Book 11, Hadith 2
Arabic reference : Book 11, Hadith 445

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, when asked about the fear prayer said, "The imam and a group of people go forward and the imam prays a raka with them, while another group, who have not yet prayed, position themselves between him and the enemy. When those who are with him have prayed a raka they draw back to where those who have not prayed are, and do not say the taslim. Then those who have not prayed come forward and pray a raka with him. Then the imam leaves, as he has now prayed two rakas. Everyone else in the two groups stands and prays a raka by himself after the imam has left. In this way each of the two groups will have

prayed two rakas. If the fear is greater than that, then the men pray standing on their feet or mounted, either facing the qibla or otherwise."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا سُئِلَ عَنْ صَلاَةِ الْخَوْفِ، قَالَ يَتَقَدَّمُ الإِمَامُ وَطَائِفَةٌ مِنَ النَّاسِ فَيُصَلِّي بِهِمُ الإِمَامُ رَكْعَةً وَتَكُونُ طَائِفَةٌ مِنْهُمْ بَيْنَهُ وَبَيْنَ الْعَدُوِّ لَمْ يُصَلُّوا فَإِذَا صَلَّى الَّذِينَ مَعَهُ رَكْعَةً اسْتَأْخَرُوا مَكَانَ الَّذِينَ لَمْ يُصَلُّوا وَلاَ يُسَلِّمُونَ وَيَتَقَدَّمُ الَّذِينَ لَمْ يُصَلُّوا فَيُصَلُّونَ مَعَهُ رَكْعَةً ثُمَّ يَنْصَرِفُ الإِمَامُ وَقَدْ صَلَّى رَكْعَتَيْنِ فَتَقُومُ كُلُّ وَاحِدَةٍ مِنَ الطَّائِفَتَيْنِ فَيُصَلُّونَ لأَنْفُسِهِمْ رَكْعَةً رَكْعَةً بَعْدَ أَنْ يَنْصَرِفَ الإِمَامُ فَيَكُونُ كُلُّ وَاحِدَةٍ مِنَ الطَّائِفَتَيْنِ قَدْ صَلَّوْا رَكْعَتَيْنِ فَإِنْ كَانَ خَوْفًا هُوَ أَشَدَّ مِنْ ذَلِكَ صَلَّوْا رِجَالاً قِيَامًا عَلَى أَقْدَامِهِمْ أَوْ رُكْبَانًا مُسْتَقْبِلِي الْقِبْلَةِ أَوْ غَيْرَ مُسْتَقْبِلِيهَا .

USC-MSA web (English) reference : Book 11, Hadith 3
Arabic reference : Book 11, Hadith 446

Malik said that Nafi said, "I do not believe that Abdullah ibn Umar related it from anyone other than the Messenger of Allah, may Allah bless him and grant him peace."

USC-MSA web (English) reference : Book 11, Hadith 3

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "The Messenger of Allah, may Allah bless him and grant him peace, did not pray dhuhr and asr on the day of the Trench until after the sun had set."

Malik said, "The hadith of al- Qasim ibn Muhammad from Salih ibn Khawwat is the one I like most out of what I have heard about the fear prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ مَا صَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم الظُّهْرَ وَالْعَصْرَ يَوْمَ الْخَنْدَقِ حَتَّى غَابَتِ الشَّمْسُ . قَالَ مَالِكٌ وَحَدِيثُ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ صَالِحِ بْنِ خَوَّاتٍ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي صَلاَةِ الْخَوْفِ .

USC-MSA web (English) reference : Book 11, Hadith 4
Arabic reference : Book 11, Hadith 447

12 - The Eclipse Prayer كتاب صلاة الكسوف

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "There was an eclipse of the sun in the time of the Messenger of Allah, may Allah bless him and grant him peace, and the Messenger of Allah, may Allah bless him and grant him peace, led the people in prayer. He stood, and did so for a long time. Then he went into ruku, and made the ruku long. Then he stood again, and did so for a long time, though not as long as the first time. Then he went into ruku, and made the ruku long, though not as long as thefirst time. Then he rose, and went down into sajda. He then did the same in the second raka, and by the time he had finished the sun had appeared. He then gave a khutba to the people, in which he praised Allah and then said, 'The sun and the moon are two of Allah's signs. They do not eclipse for anyone's death nor for anyone's life. When you see an eclipse, call on Allah and say, "Allah is greater" and give sadaqa.' Then he said, 'O community of Muhammad! ByAllah, there is no-one more jealous than Allah of a male or female slave of his who commits adultery. O community of Muhammad! By Allah, if you knew what I knew, you would laugh little and weep much'."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ خَسَفَتِ الشَّمْسُ فِي عَهْدِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَصَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم بِالنَّاسِ فَقَامَ فَأَطَالَ الْقِيَامَ ثُمَّ رَكَعَ فَأَطَالَ الرُّكُوعَ ثُمَّ قَامَ فَأَطَالَ الْقِيَامَ وَهُوَ دُونَ الْقِيَامِ الأَوَّلِ ثُمَّ رَكَعَ فَأَطَالَ الرُّكُوعَ وَهُوَ دُونَ الرُّكُوعِ الأَوَّلِ ثُمَّ رَفَعَ فَسَجَدَ ثُمَّ فَعَلَ فِي الرَّكْعَةِ الآخِرَةِ مِثْلَ ذَلِكَ ثُمَّ انْصَرَفَ وَقَدْ تَجَلَّتِ الشَّمْسُ فَخَطَبَ النَّاسَ فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ ثُمَّ قَالَ " إِنَّ الشَّمْسَ وَالْقَمَرَ آيَتَانِ مِنْ آيَاتِ اللَّهِ لاَ يَخْسِفَانِ لِمَوْتِ أَحَدٍ وَلاَ لِحَيَاتِهِ فَإِذَا رَأَيْتُمْ ذَلِكَ فَادْعُوا اللَّهَ وَكَبِّرُوا وَتَصَدَّقُوا - ثُمَّ قَالَ - يَا أُمَّةَ مُحَمَّدٍ وَاللَّهِ مَا مِنْ أَحَدٍ أَغْيَرَ مِنَ اللَّهِ أَنْ يَزْنِيَ عَبْدُهُ أَوْ تَزْنِيَ أَمَتُهُ يَا أُمَّةَ مُحَمَّدٍ وَاللَّهِ لَوْ تَعْلَمُونَ مَا أَعْلَمُ لَضَحِكْتُمْ قَلِيلاً وَلَبَكَيْتُمْ كَثِيرًا " .

USC-MSA web (English) reference : Book 12, Hadith 1
Arabic reference : Book 12, Hadith 448

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that Abdullah ibn Abbas said, "There was an eclipse of the sun and the Messenger of Allah, may Allah bless him and grant him peace, prayed, and the people prayed with him. He stood for a long time, nearly as long as (it takes to recite) Surat al-Baqara (Sura 2), and then went into ruku for a long time. Then he rose and stood for a long time, though less than the first time.Then he went into ruku for a long time, though less than the first time. Then he went down into sajda. Then he stood for a long time, though less than the first time. Then he went into ruku for a long time, though less than the first time. Then he rose and stood for a long time, though less than the firsttime. Then he went into ruku for a long time, though less than the first time. Then he went down into sajda, and by the time he had finished the sun had appeared. Then he said, 'The sun and the moon are two of Allah's signs. They do not eclipse for anyone's death nor for anyone's life. When you see an eclipse, remember Allah.' They said, 'Messenger of Allah, we saw you reach out for something while you were standing here and then we saw you withdraw.' He said, 'I saw the Garden and I reached out for a bunch of grapes from it, and if I had taken it you would have been able to eat from it for as long as this world lasted. Then I saw the Fire - and I have never seen anything more hideous than what I saw today - and I saw that most of its people were women.' They said, 'Why, Messenger of Allah?' He said, 'Because of their ungratefulness (kufr).' Someone said, 'Are they ungrateful toAllah?' He said, 'They are ungrateful to their husbands and they are ungrateful for good behaviour (towards them) . Even if you were to behave well towards one of them for a whole lifetime and then she were to see you do something (that she did not like) she would say that she had never seen anything good from you.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ قَالَ خَسَفَتِ الشَّمْسُ فَصَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم وَالنَّاسُ مَعَهُ فَقَامَ قِيَامًا طَوِيلاً نَحْوًا مِنْ سُورَةِ الْبَقَرَةِ - قَالَ - ثُمَّ رَكَعَ رُكُوعًا طَوِيلاً ثُمَّ رَفَعَ فَقَامَ قِيَامًا طَوِيلاً وَهُوَ دُونَ الْقِيَامِ الأَوَّلِ ثُمَّ رَكَعَ رُكُوعًا طَوِيلاً وَهُوَ دُونَ الرُّكُوعِ الأَوَّلِ ثُمَّ سَجَدَ ثُمَّ قَامَ قِيَامًا طَوِيلاً وَهُوَ دُونَ الْقِيَامِ الأَوَّلِ ثُمَّ رَكَعَ رُكُوعًا طَوِيلاً وَهُوَ دُونَ الرُّكُوعِ الأَوَّلِ ثُمَّ رَفَعَ فَقَامَ قِيَامًا طَوِيلاً وَهُوَ دُونَ الْقِيَامِ الأَوَّلِ ثُمَّ رَكَعَ رُكُوعًا طَوِيلاً وَهُوَ دُونَ الرُّكُوعِ الأَوَّلِ ثُمَّ سَجَدَ ثُمَّ انْصَرَفَ وَقَدْ تَجَلَّتِ الشَّمْسُ فَقَالَ " إِنَّ الشَّمْسَ وَالْقَمَرَ آيَتَانِ مِنْ آيَاتِ اللَّهِ لاَ يَخْسِفَانِ لِمَوْتِ أَحَدٍ وَلاَ لِحَيَاتِهِ فَإِذَا رَأَيْتُمْ ذَلِكَ فَاذْكُرُوا اللَّهَ " . قَالُوا يَا رَسُولَ اللَّهِ رَأَيْنَاكَ تَنَاوَلْتَ شَيْئًا فِي مَقَامِكَ هَذَا ثُمَّ رَأَيْنَاكَ تَكَعْكَعْتَ . فَقَالَ " إِنِّي رَأَيْتُ الْجَنَّةَ فَتَنَاوَلْتُ مِنْهَا عُنْقُودًا وَلَوْ أَخَذْتُهُ لأَكَلْتُمْ مِنْهُ مَا بَقِيَتِ الدُّنْيَا وَرَأَيْتُ النَّارَ فَلَمْ أَرَ كَالْيَوْمِ مَنْظَرًا قَطُّ أَفْظَعَ وَرَأَيْتُ أَكْثَرَ أَهْلِهَا النِّسَاءَ " . قَالُوا لِمَ يَا رَسُولَ اللَّهِ قَالَ " لِكُفْرِهِنَّ " . قِيلَ أَيَكْفُرْنَ بِاللَّهِ . قَالَ " وَيَكْفُرْنَ الْعَشِيرَ وَيَكْفُرْنَ الإِحْسَانَ لَوْ أَحْسَنْتَ إِلَى إِحْدَاهُنَّ الدَّهْرَ كُلَّهُ ثُمَّ رَأَتْ مِنْكَ شَيْئًا قَالَتْ مَا رَأَيْتُ مِنْكَ خَيْرًا قَطُّ " .

USC-MSA web (English) reference : Book 12, Hadith 2
Arabic reference : Book 12, Hadith 449

Yahya related to me from Malik from Yahya ibn Said from 'Amra bint Abd ar-Rahman from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that a jewish woman came to beg from her and said, "May Allah give you refuge from the punishment of the grave." So A'isha asked the Messenger of Allah, may Allah bless him and grant him peace, "Are people punished in their graves?", and the Messenger of Allah, may Allah bless him and grant him peace, took refuge in Allah from that. Then one morning the Messenger of Allah, may Allah bless him and grant him peace, went out on a journey and there was an eclipse of the sun, and he returned in the late morning and passed through his apartments. Then he stood and prayed, and the people stood behind him. He stood for a long time, and then went into ruku for a long time. Then he rose and stood for a long time, though less than the first time, and then went into ruku for a long time, though less than the first time. Then he rose, and went down into sajda. Then he stood for a long time, though less than the time before, and then went into ruku for a long time, though less than the time before. Then he rose and stood for a long time, though less than the time before, and then went into ruku for a long time, though less than the time before. Then he rose, and went down into sajda. When he had finished he said what Allah willed him to say, and then he told them to seek protection for themselves from the punishment of the grave."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ يَهُودِيَّةً جَاءَتْ تَسْأَلُهَا فَقَالَتْ أَعَاذَكِ اللَّهُ مِنْ عَذَابِ الْقَبْرِ . فَسَأَلَتْ عَائِشَةُ رَسُولَ اللَّهِ صلى الله عليه وسلم أَيُعَذَّبُ النَّاسُ فِي قُبُورِهِمْ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَائِذًا بِاللَّهِ مِنْ ذَلِكَ ثُمَّ رَكِبَ رَسُولُ اللَّهِ صلى الله عليه وسلم ذَاتَ غَدَاةٍ مَرْكَبًا فَخَسَفَتِ الشَّمْسُ فَرَجَعَ ضُحًى فَمَرَّ بَيْنَ ظَهْرَانَىِ الْحُجَرِ ثُمَّ قَامَ يُصَلِّي وَقَامَ النَّاسُ وَرَاءَهُ فَقَامَ قِيَامًا طَوِيلاً ثُمَّ رَكَعَ رُكُوعًا طَوِيلاً ثُمَّ رَفَعَ فَقَامَ قِيَامًا طَوِيلاً وَهُوَ دُونَ الْقِيَامِ الأَوَّلِ ثُمَّ رَكَعَ رُكُوعًا طَوِيلاً وَهُوَ دُونَ الرُّكُوعِ الأَوَّلِ ثُمَّ رَفَعَ فَسَجَدَ ثُمَّ قَامَ قِيَامًا طَوِيلاً وَهُوَ دُونَ الْقِيَامِ الأَوَّلِ ثُمَّ رَكَعَ رُكُوعًا طَوِيلاً وَهُوَ دُونَ الرُّكُوعِ الأَوَّلِ ثُمَّ رَفَعَ فَقَامَ قِيَامًا طَوِيلاً وَهُوَ دُونَ الْقِيَامِ الأَوَّلِ ثُمَّ رَكَعَ رُكُوعًا طَوِيلاً وَهُوَ دُونَ الرُّكُوعِ الأَوَّلِ ثُمَّ رَفَعَ ثُمَّ سَجَدَ ثُمَّ انْصَرَفَ فَقَالَ مَا شَاءَ اللَّهُ أَنْ يَقُولَ ثُمَّ أَمَرَهُمْ أَنْ يَتَعَوَّذُوا مِنْ عَذَابِ الْقَبْرِ .

USC-MSA web (English) reference : Book 12, Hadith 3

Arabic reference : Book 12, Hadith 450

Yahya related to me from Malik from Hisham ibn Urwa from Fatima bint al Mundhir that Asma bint Abi Bakr as-Siddiq said, "I went to A'isha, the wife of the Prophet, may Allah bless him and grant him peace, during an eclipse of the sun, and everybody was standing in prayer, and she too was standing praying. I said, 'What is everybody doing?' She pointed towards the sky with her hand and said, 'Glory be to Allah.' I said, 'A sign?' She nodded 'Yes' with her head."

She continued, "I stood until I had almost fainted, and I began to pour water over my head. The Messenger of Allah, may Allah bless him and grant him peace, praised Allah and spoke well of Him, and then said, 'There is nothing which I had previously not seen beforehand that I have not now seen while standing - even the Garden and the Fire. It has been revealed to me that you will be tried in your graves with a trial, like, or near to, the trial of the Dajjal (I do not know which one Asma said). Every one of you will have someone who comes to him and asks him, 'What do you know about this man?' A mumin, or one who has certainty (muqin) (I do not know which one Asma said), will say, 'He is Muhammad, the Messenger of Allah, may Allah bless him and grant him peace, who came to us with clear proofs and guidance, and we answered and believed and followed.' He will then be told, 'Sleep in a good state. We know now that you were a mumin.' A hypocrite, however, or one who has doubts (l do not know which one Asma said), will say, 'I do not know, I heard everybody saying something and I said it.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ، عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ الصِّدِّيقِ، أَنَّهَا قَالَتْ أَتَيْتُ عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم حِينَ خَسَفَتِ الشَّمْسُ فَإِذَا النَّاسُ قِيَامٌ يُصَلُّونَ وَإِذَا هِيَ قَائِمَةٌ تُصَلِّي فَقُلْتُ مَا لِلنَّاسِ فَأَشَارَتْ بِيَدِهَا نَحْوَ السَّمَاءِ وَقَالَتْ سُبْحَانَ اللَّهِ . فَقُلْتُ آيَةٌ فَأَشَارَتْ بِرَأْسِهَا أَنْ نَعَمْ . قَالَتْ فَقُمْتُ حَتَّى تَجَلاَّنِي الْغَشْىُ وَجَعَلْتُ أَصُبُّ فَوْقَ رَأْسِي الْمَاءَ فَحَمِدَ اللَّهَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَأَثْنَى عَلَيْهِ ثُمَّ قَالَ " مَا مِنْ شَىْءٍ كُنْتُ لَمْ أَرَهُ إِلاَّ قَدْ رَأَيْتُهُ فِي مَقَامِي هَذَا حَتَّى الْجَنَّةُ وَالنَّارُ وَلَقَدْ أُوحِيَ إِلَيَّ أَنَّكُمْ تُفْتَنُونَ فِي الْقُبُورِ مِثْلَ - أَوْ قَرِيبًا - مِنْ فِتْنَةِ الدَّجَّالِ - لاَ أَدْرِي أَيَّتَهُمَا قَالَتْ أَسْمَاءُ - يُؤْتَى أَحَدُكُمْ فَيُقَالُ لَهُ مَا عِلْمُكَ بِهَذَا الرَّجُلِ فَأَمَّا الْمُؤْمِنُ - أَوِ الْمُوقِنُ لاَ أَدْرِي أَىَّ ذَلِكَ قَالَتْ أَسْمَاءُ - فَيَقُولُ هُوَ مُحَمَّدٌ رَسُولُ اللَّهِ جَاءَنَا بِالْبَيِّنَاتِ وَالْهُدَى فَأَجَبْنَا وَآمَنَّا وَاتَّبَعْنَا فَيُقَالُ لَهُ نَمْ صَالِحًا قَدْ عَلِمْنَا إِنْ كُنْتَ لَمُؤْمِنًا وَأَمَّا الْمُنَافِقُ - أَوِ الْمُرْتَابُ لاَ أَدْرِي أَيَّتَهُمَا قَالَتْ أَسْمَاءُ - فَيَقُولُ لاَ أَدْرِي سَمِعْتُ النَّاسَ يَقُولُونَ شَيْئًا فَقُلْتُهُ " .

USC-MSA web (English) reference : Book 12, Hadith 4
Arabic reference : Book 12, Hadith 451

13 - Asking for Rain كتاب الاستسقاء

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Amr ibn Hazm that he had heard Abbad ibn Tamim say that he had heard Abdullah ibn Zayd al-Mazini say, "The Messenger of Allah, may Allah bless him and grant him peace, came out to the place of prayer and asked for rain, and when he faced the qibla he turned his cloak inside out."
Malik was asked how many rakas there were in the prayer of asking for rain and he said, "Two rakas, and the imam does the prayer before he gives the khutba. He prays two rakas, and then he gives a khutba and makes dua, facing the qibla and turning his cloak inside out. He recites out loud in both rakas, and when he turns his cloak inside out he puts what is on his right on his left, and what is on his left on his right, and all the people turn their cloaks inside out when the imam does so, and face the qibla, sitting."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ عَمْرِو بْنِ حَزْمٍ، أَنَّهُ سَمِعَ عَبَّادَ بْنَ تَمِيمٍ، يَقُولُ سَمِعْتُ عَبْدَ اللَّهِ بْنَ زَيْدٍ الْمَازِنِيَّ، يَقُولُ خَرَجَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِلَى الْمُصَلَّى فَاسْتَسْقَى وَحَوَّلَ رِدَاءَهُ حِينَ اسْتَقْبَلَ الْقِبْلَةَ .

USC-MSA web (English) reference : Book 13, Hadith 1
Arabic reference : Book 13, Hadith 452

Yahya related to me from Malik from Yahya ibn Said from Amr ibn Shuayb that the Messenger of Allah, may Allah bless him and grant him peace, said, when he asked for rain, "O Allah, give water to Your slaves and Your animals, and spread Your mercy, and give life to Your dead land."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا اسْتَسْقَى قَالَ " اللَّهُمَّ اسْقِ عِبَادَكَ وَبَهِيمَتَكَ وَانْشُرْ رَحْمَتَكَ وَأَحْىِ بَلَدَكَ الْمَيِّتَ " .

USC-MSA web (English) reference : Book 13, Hadith 2
Arabic reference : Book 13, Hadith 453

Yahya related to me from Malik from Sharik ibn Abdullah ibn Abi Namir that Anas ibn Malik said, "A man came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah, our animals are dying and our camels are too weak to travel, so make dua to Allah.' The Messenger of Allah, may Allah bless him and grant him peace, made dua, and it rained on us from one jumua to the next."

Anas continued, "Then a man came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah, our houses have fallen down, the paths are blocked, and our flocks are dying.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'O Allah, (only) the mountain and hill-tops, the valley bottoms, and the places where trees grow.' "
Anas added, "It cleared away from Madina like a garment being removed."
Malik said, about a man who missed the prayer of asking for rain but caught the khutba, and wished to pray in the mosque, or in his house when he returned, "He is free to do so, or not, as he wishes."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ شَرِيكِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي نَمِرٍ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ هَلَكَتِ الْمَوَاشِي وَتَقَطَّعَتِ السُّبُلُ فَادْعُ اللَّهَ . فَدَعَا رَسُولُ اللَّهِ صلى الله عليه وسلم فَمُطِرْنَا مِنَ الْجُمُعَةِ إِلَى الْجُمُعَةِ . قَالَ فَجَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ تَهَدَّمَتِ الْبُيُوتُ وَانْقَطَعَتِ السُّبُلُ وَهَلَكَتِ

الْمَوَاشِي . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اللَّهُمَّ ظُهُورَ الْجِبَالِ وَالآكَامِ وَبُطُونَ الأَوْدِيَةِ وَمَنَابِتَ الشَّجَرِ " . قَالَ فَانْجَابَتْ عَنِ الْمَدِينَةِ انْجِيَابَ الثَّوْبِ .

USC-MSA web (English) reference : Book 13, Hadith 3
Arabic reference : Book 13, Hadith 454

Yahya related to me from Malik from Salih ibn Kaysan from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Zayd ibn Khalid al- Juhani said, "The Messenger of Allah, may Allah bless him and grant him peace, took the subh prayer with us at Hudaybiyya after it had rained in the night. When he had finished he went up to the people and said, 'Do you know what your Lord has said?' They said, 'Allah and His Messenger know best.' He said, 'Some of my slaves have begun the morning believing in Me, and others have begun it rejecting Me. As for those who say, 'We were rained on by the overflowing favour of Allah and His mercy,' they believe in Me and reject the stars. But as for those who say, 'We were rained on by such and such a star, they reject Me and believe in the stars.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ صَالِحِ بْنِ كَيْسَانَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ، أَنَّهُ قَالَ صَلَّى لَنَا رَسُولُ اللَّهِ صلى الله عليه وسلم صَلاَةَ الصُّبْحِ بِالْحُدَيْبِيَةِ عَلَى إِثْرِ سَمَاءٍ كَانَتْ مِنَ اللَّيْلِ فَلَمَّا انْصَرَفَ أَقْبَلَ عَلَى النَّاسِ فَقَالَ " أَتَدْرُونَ مَاذَا قَالَ رَبُّكُمْ " . قَالُوا اللَّهُ وَرَسُولُهُ أَعْلَمُ . قَالَ " قَالَ أَصْبَحَ مِنْ عِبَادِي مُؤْمِنٌ بِي وَكَافِرٌ بِي فَأَمَّا مَنْ قَالَ مُطِرْنَا بِفَضْلِ اللَّهِ وَرَحْمَتِهِ فَذَلِكَ مُؤْمِنٌ بِي كَافِرٌ بِالْكَوْكَبِ وَأَمَّا مَنْ قَالَ مُطِرْنَا بِنَوْءِ كَذَا وَكَذَا فَذَلِكَ كَافِرٌ بِي مُؤْمِنٌ بِالْكَوْكَبِ " .

USC-MSA web (English) reference : Book 13, Hadith 4
Arabic reference : Book 13, Hadith 455

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, used to say, "When a cloud appears from the direction of the sea and then goes towards ash-Sham, it will be an abundant source of rain."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَقُولُ " إِذَا أَنْشَأَتْ بَحْرِيَّةً ثُمَّ تَشَاءَمَتْ فَتِلْكَ عَيْنٌ غُدَيْقَةٌ " .

USC-MSA web (English) reference : Book 13, Hadith 5
Arabic reference : Book 13, Hadith 456

Yahya related to me from Malik that he had heard that Abu Hurayra used to say, when morning came after it had rained on the people, "We have been rained upon by the rain of Allah's opening," and would then recite the ayat, "Whatever Allah opens to man of His mercy no-one can withhold, and whatever He withholds no-one can send forward after Him. " (Sura 35 ayat 2).

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا هُرَيْرَةَ، كَانَ يَقُولُ إِذَا أَصْبَحَ وَقَدْ مُطِرَ النَّاسُ مُطِرْنَا بِنَوْءِ الْفَتْحِ ثُمَّ يَتْلُو هَذِهِ الآيَةَ {مَا يَفْتَحِ اللَّهُ لِلنَّاسِ مِنْ رَحْمَةٍ فَلاَ مُمْسِكَ لَهَا وَمَا يُمْسِكْ فَلاَ مُرْسِلَ لَهُ مِنْ بَعْدِهِ}

USC-MSA web (English) reference : Book 13, Hadith 6
Arabic reference : Book 13, Hadith 457

14 - The Qibla كتاب القبلة

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Rafiibn Ishaq, a mawla of the family of ash-Shifa who was known as the mawla of Abu Talha, heard Abu Ayyub al-Ansari, one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, say, while he was in Egypt, "By Allah! I don't know how to deal with these lavatories." The Messenger of Allah, may Allah bless him and grant him peace, said, "When you go to defecate or urinate, do not expose your genitals towards the qibla, and do not put your back to it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ رَافِعِ بْنِ إِسْحَاقَ، مَوْلًى لآلِ الشِّفَاءِ - وَكَانَ يُقَالُ لَهُ مَوْلَى أَبِي طَلْحَةَ - أَنَّهُ سَمِعَ أَبَا أَيُّوبَ الأَنْصَارِيَّ صَاحِبَ رَسُولِ اللَّهِ صلى الله عليه وسلم وَهُوَ بِمِصْرَ يَقُولُ وَاللَّهِ مَا أَدْرِي كَيْفَ أَصْنَعُ بِهَذِهِ الْكَرَايِيسِ وَقَدْ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِذَا ذَهَبَ أَحَدُكُمُ الْغَائِطَ أَوِ الْبَوْلَ فَلاَ يَسْتَقْبِلِ الْقِبْلَةَ وَلاَ يَسْتَدْبِرْهَا بِفَرْجِهِ " .

USC-MSA web (English) reference : Book 14, Hadith 1
Arabic reference : Book 14, Hadith 458

Yahya related to me from Malik from one of the Ansar that the Messenger of Allah, may Allah bless him and grant him peace, forbade defecating or urinating while facing the qibla.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ رَجُلٍ، مِنَ الأَنْصَارِ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى أَنْ تُسْتَقْبَلَ الْقِبْلَةُ لِغَائِطٍ أَوْ بَوْلٍ .

USC-MSA web (English) reference : Book 14, Hadith 2
Arabic reference : Book 14, Hadith 459

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Yahya ibn Habban from his paternal uncle, Wasi ibn Habban, that Abdullah ibn Umar said, "People say, 'When you sit to relieve yourself, do not face the qibla or the Bayt al-Maqdis.' "

Abdullah continued, "I went upon top of a house of ours and saw the Messenger of Allah, may Allah bless him and grant him peace, (squatting) on two unfired bricks facing the Bayt al-Maqdis, relieving himself."
Ibn Umar added, "Perhaps you are one of those who pray folded on their haunches."
Wasi replied, "I don't know, by Allah!"

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ عَمِّهِ، وَاسِعِ بْنِ حَبَّانَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ إِنَّ أُنَاسًا يَقُولُونَ إِذَا قَعَدْتَ عَلَى حَاجَتِكَ فَلاَ تَسْتَقْبِلِ الْقِبْلَةَ وَلاَ بَيْتَ الْمَقْدِسِ - قَالَ عَبْدُ اللَّهِ - لَقَدِ ارْتَقَيْتُ عَلَى ظَهْرِ بَيْتٍ لَنَا فَرَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم عَلَى لَبِنَتَيْنِ مُسْتَقْبِلَ بَيْتِ الْمَقْدِسِ لِحَاجَتِهِ ثُمَّ قَالَ لَعَلَّكَ مِنَ الَّذِينَ يُصَلُّونَ عَلَى أَوْرَاكِهِمْ . قَالَ قُلْتُ لاَ أَدْرِي وَاللَّهِ .

USC-MSA web (English) reference : Book 14, Hadith 3
Arabic reference : Book 14, Hadith 460

Malik said that he meant someone who, when he prostrated, kept his body close to the ground.

USC-MSA web (English) reference : Book 14, Hadith 3

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, saw spittle on the wall of the qibla and scraped it off. Then he went up to the people and said, "Do not spit in front of you when you are praying, because Allah, the Blessed and Exalted, is in front of you when you pray."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم رَأَى بُصَاقًا فِي جِدَارِ الْقِبْلَةِ فَحَكَّهُ ثُمَّ أَقْبَلَ عَلَى النَّاسِ فَقَالَ " إِذَا كَانَ أَحَدُكُمْ يُصَلِّي فَلاَ يَبْصُقْ قِبَلَ وَجْهِهِ فَإِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قِبَلَ وَجْهِهِ إِذَا صَلَّى " .

USC-MSA web (English) reference : Book 14, Hadith 4
Arabic reference : Book 14, Hadith 461

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, mayAllah bless him and grant him peace, that the Prophet, may Allah bless him and grant him peace, saw spittle, or mucus or phlegm, on the wall of the qibla and scraped it off.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى

USC-MSA web (English) reference : Book 14, Hadith 5
Arabic reference : Book 14, Hadith 462

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar said, "On one occasion when the people were praying subhat Quba a man came to them and said, 'A piece of Qur'an was sent down to the Messenger of Allah, may Allah bless him and grant him peace, last night, and he was ordered to face the Kaba, so face it.' They had been facing ash-Sham, so they turned round and faced the Kaba.''

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ بَيْنَمَا النَّاسُ بِقُبَاءٍ فِي صَلاَةِ الصُّبْحِ إِذْ جَاءَهُمْ آتٍ فَقَالَ إِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَدْ أُنْزِلَ عَلَيْهِ اللَّيْلَةَ قُرْآنٌ وَقَدْ أُمِرَ أَنْ يَسْتَقْبِلَ الْكَعْبَةَ فَاسْتَقْبِلُوهَا وَكَانَتْ وُجُوهُهُمْ إِلَى الشَّامِ فَاسْتَدَارُوا إِلَى الْكَعْبَةِ .

USC-MSA web (English) reference : Book 14, Hadith 6
Arabic reference : Book 14, Hadith 463

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "The Messenger of Allah, may Allah bless him and grant him peace, prayed towards the Baytal-Maqdis for sixteen months after arriving in Madina. Then the qibla was moved, two months before the battle of Badr. "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ صَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم بَعْدَ أَنْ قَدِمَ الْمَدِينَةَ سِتَّةَ عَشَرَ شَهْرًا نَحْوَ بَيْتِ الْمَقْدِسِ ثُمَّ حُوِّلَتِ الْقِبْلَةُ قَبْلَ بَدْرٍ بِشَهْرَيْنِ .

USC-MSA web (English) reference : Book 14, Hadith 7
Arabic reference : Book 14, Hadith 464

Yahya related to me from Malik from Nafi that Umar ibn al-Khattab said, "Any direction that is between east and west can be taken as a qibla if the person praying is face-on to the House."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَا بَيْنَ الْمَشْرِقِ وَالْمَغْرِبِ قِبْلَةٌ إِذَا تُوُجِّهَ قِبَلَ الْبَيْتِ .

USC-MSA web (English) reference : Book 14, Hadith 8
Arabic reference : Book 14, Hadith 465

Yahya related to me from Malik from Zayd ibn Rabah and Ubaydullah ibn Abi Abdullah Salman al-Agharr from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A prayer in this mosque of mine is better than a thousand prayers in any other mosque, except the Masjid al-Haram (in Makka)."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ رَبَاحٍ، وَعُبَيْدِ اللَّهِ بْنِ أَبِي عَبْدِ اللَّهِ، عَنْ أَبِي عَبْدِ اللَّهِ، سَلْمَانَ الأَغَرِّ عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " صَلاَةٌ فِي مَسْجِدِي هَذَا خَيْرٌ مِنْ أَلْفِ صَلاَةٍ فِيمَا سِوَاهُ إِلاَّ الْمَسْجِدَ الْحَرَامَ " ‏.‏

USC-MSA web (English) reference : Book 14, Hadith 9
Arabic reference : Book 14, Hadith 466

Yahya related to me from Malik from Khubayb ibn Abd ar-Rahman from Hafs ibn Asim from Abu Hurayra or from Abu Said al-Khudri that the Messenger of Allah, may Allah bless him and grant him peace, said, "What is between my house and my mimbar is one of the meadows of the Garden, and my mimbar is on my watering-place (al-Hawd)."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ خُبَيْبِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ حَفْصِ بْنِ عَاصِمٍ، عَنْ أَبِي هُرَيْرَةَ، أَوْ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَا بَيْنَ بَيْتِي وَمِنْبَرِي رَوْضَةٌ مِنْ رِيَاضِ الْجَنَّةِ وَمِنْبَرِي عَلَى حَوْضِي " ‏.‏

USC-MSA web (English) reference : Book 14, Hadith 10
Arabic reference : Book 14, Hadith 467

Yahya related to me from Malik from Abdullah ibn Abi Bakr from Abbad ibn Tamim from Abdullah ibn Zayd al-Mazini that the Messenger of Allah, may Allah bless him and grant him peace, said, "What is between my house and my mimbar is one of the meadows of the Garden."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَبَّادِ بْنِ تَمِيمٍ، عَنْ عَبْدِ اللَّهِ بْنِ زَيْدٍ الْمَازِنِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَا بَيْنَ بَيْتِي وَمِنْبَرِي رَوْضَةٌ مِنْ رِيَاضِ الْجَنَّةِ " ‏.‏

USC-MSA web (English) reference : Book 14, Hadith 11
Arabic reference : Book 14, Hadith 468

Yahya related to me from Malik that he had heard that Abdullah ibn Umar said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Do not forbid the female slaves of Allah from (going into) the mosques of Allah.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ تَمْنَعُوا إِمَاءَ اللَّهِ مَسَاجِدَ اللَّهِ " ‏.‏

USC-MSA web (English) reference : Book 14, Hadith 12
Arabic reference : Book 14, Hadith 469

Yahya related to me from Malik that he had heard from Busr ibn Said that the Messenger of Allah, may Allah bless him and grant him peace, said, "None of you women should use perfume when you are present at the isha prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ بُسْرِ بْنِ سَعِيدٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا شَهِدَتْ إِحْدَاكُنَّ صَلاَةَ الْعِشَاءِ فَلاَ تَمَسَّنَّ طِيبًا " .

USC-MSA web (English) reference : Book 14, Hadith 13
Arabic reference : Book 14, Hadith 470

Yahya related to me from Malik from Yahya ibn Said that Atika bint Zayd ibn Amr ibn Nufayl, the wife of Umar ibn al-Khattab, used to ask Umar ibn al-Khattab for permission to go to the mosque. He would keep silent, so she would say, "By Allah, I will go out, unless you forbid me," and he would not forbid her.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَاتِكَةَ بِنْتِ زَيْدِ بْنِ عَمْرِو بْنِ نُفَيْلٍ، امْرَأَةِ عُمَرَ بْنِ الْخَطَّابِ أَنَّهَا كَانَتْ تَسْتَأْذِنُ عُمَرَ بْنَ الْخَطَّابِ إِلَى الْمَسْجِدِ فَيَسْكُتُ فَتَقُولُ وَاللَّهِ لأَخْرُجَنَّ إِلاَّ أَنْ تَمْنَعَنِي . فَلاَ يَمْنَعُهَا .

USC-MSA web (English) reference : Book 14, Hadith 14
Arabic reference : Book 14, Hadith 471

Yahya related to me from Malik from Yahya ibn Said from Amra bint Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "If the Messenger of Allah, may Allah bless him and grant him peace, had seen what women do now, he would have forbidden them to go into the mosques, just as the women of the Bani Israil were forbidden."

Yahya ibn Said said that he asked Amra, "Were the women of the Bani Israil forbidden to go into the mosques?" and she said, "Yes."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ لَوْ أَدْرَكَ رَسُولُ اللَّهِ صلى الله عليه وسلم مَا أَحْدَثَ النِّسَاءُ لَمَنَعَهُنَّ الْمَسَاجِدَ كَمَا مُنِعَهُ نِسَاءُ بَنِي إِسْرَائِيلَ . قَالَ يَحْيَى بْنُ سَعِيدٍ فَقُلْتُ لِعَمْرَةَ أَوَمُنِعَ نِسَاءُ بَنِي إِسْرَائِيلَ الْمَسَاجِدَ قَالَتْ نَعَمْ .

USC-MSA web (English) reference : Book 14, Hadith 15
Arabic reference : Book 14, Hadith 472

15 - The Qur'an كتاب القرآن

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazm that in a letter that the Messenger of Allah, may Allah bless him and grant him peace, sent to Amr ibn Hazm it said that no-one should touch the Qur'an unless he was pure.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، . أَنَّ فِي الْكِتَابِ الَّذِي، كَتَبَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم لِعَمْرِو بْنِ حَزْمٍ " أَنْ لاَ يَمَسَّ الْقُرْآنَ إِلاَّ طَاهِرٌ " .

USC-MSA web (English) reference : Book 15, Hadith 1
Arabic reference : Book 15, Hadith 473

Malik said, "No-one should carry the Qur'an by its strap, or on a cushion, unless he is pure. If it were permissible to do so, it would also have been permissible to carry it in its cover. This is not because there is something on the hands of the one who carries it by which the Qur'an will be soiled, but because it is disapproved of for someone to carry the Qur'an without being pure out of respect for the Qur'an, and in order to honour it."

Malik said, "The best thing that I have heard about this is the ayat 'None touch it except the purified.' (Sura 56 ayat 79) It ranks with the ayat in Surat Abasa (Sura 80), where Allah, the Blessed and Exalted, says, 'No, it is a reminder, and whoever wishes will remember it. Upon honoured pages, exalted and purified, by the hands of scribes, noble and obedient.' "

USC-MSA web (English) reference : Book 15, Hadith 1

Yahya related to me from Malik from Ayyub ibn Abi Tamima as- Sakhtayani from Muhammad ibn Sirin that Umar ibn al-Khattab was with some people who were reciting Qur'an. He went to relieve himself and then came back and recited Qur'an. One of the men said to him, "Amir al muminin, are you reciting the Qur'an without being in wudu?" Umar replied, "Who gave you a verdict on this? Was it Musaylima?"'

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ أَبِي تَمِيمَةَ السَّخْتِيَانِيِّ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ فِي قَوْمٍ وَهُمْ يَقْرَءُونَ الْقُرْآنَ فَذَهَبَ لِحَاجَتِهِ ثُمَّ رَجَعَ وَهُوَ يَقْرَأُ الْقُرْآنَ فَقَالَ لَهُ رَجُلٌ يَا أَمِيرَ الْمُؤْمِنِينَ أَتَقْرَأُ الْقُرْآنَ وَلَسْتَ عَلَى وُضُوءٍ فَقَالَ لَهُ عُمَرُ مَنْ أَفْتَاكَ بِهَذَا أَمُسَيْلِمَةُ

USC-MSA web (English) reference : Book 15, Hadith 2
Arabic reference : Book 15, Hadith 474

Yahya related to me from Malik from Dawud ibn al-Husayn from al- Araj from Abd ar-Rahman ibn Abd al-Qari that Umar ibn al Khattab said, "Whoever misses reading his hizb at night and reads it from when the sun has passed the meridian until the dhuhr prayer has not missed it, or it is as if he has caught it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنِ الأَعْرَجِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدٍ الْقَارِيِّ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَنْ فَاتَهُ حِزْبُهُ مِنَ اللَّيْلِ فَقَرَأَهُ حِينَ تَزُولُ الشَّمْسُ إِلَى صَلاَةِ الظُّهْرِ فَإِنَّهُ لَمْ يَفُتْهُ أَوْ كَأَنَّهُ أَدْرَكَهُ .

USC-MSA web (English) reference : Book 15, Hadith 3
Arabic reference : Book 15, Hadith 475

Yahya related to me from Malik that Yahya ibn Said said, "Once Muhammad ibn Yahya ibn Habban and I were sitting down, and Muhammad called a man over to him and said to him, 'Tell me what you have heard from your father.' The man replied that his father had told him that he went to Zayd ibn Thabit and asked him, 'What do you think of reciting the whole Qur'an in seven days?' Zayd said, 'That's good, but I prefer to recite it in two weeks, or ten days. Ask me why that is.' He said, 'I ask you then.' Zayd said, 'So that I can reflect on it and pause in it.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ كُنْتُ أَنَا وَمُحَمَّدُ بْنُ يَحْيَى بْنِ حَبَّانَ، جَالِسَيْنِ فَدَعَا مُحَمَّدٌ رَجُلاً فَقَالَ أَخْبِرْنِي بِالَّذِي، سَمِعْتَ مِنْ، أَبِيكَ . فَقَالَ الرَّجُلُ أَخْبَرَنِي أَبِي أَنَّهُ، أَتَى زَيْدَ بْنَ ثَابِتٍ فَقَالَ لَهُ كَيْفَ تَرَى فِي قِرَاءَةِ الْقُرْآنِ فِي سَبْعٍ فَقَالَ زَيْدٌ حَسَنٌ وَلأَنْ أَقْرَأَهُ فِي نِصْفٍ أَوْ عَشْرٍ أَحَبُّ إِلَىَّ وَسَلْنِي لِمَ ذَاكَ قَالَ فَإِنِّي أَسْأَلُكَ . قَالَ زَيْدٌ لِكَىْ أَتَدَبَّرَهُ وَأَقِفَ عَلَيْهِ .

USC-MSA web (English) reference : Book 15, Hadith 4
Arabic reference : Book 15, Hadith 476

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr that Abd ar-Rahman ibn Abd al-Qari said that he had heard Umar ibn al-Khattab say, "I heard Hisham ibn Hakim ibn Hizam reciting Surat al-Furqan (Sura 25) differently from me, and it was the Messenger of Allah, may Allah bless him and grant him peace, who had recited it to me. I was about to rush up to him but I granted him a respite until he had finished his prayer. Then I grabbed him by his cloak and took him to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah, I heard this man reciting Surat al- Furqan differently from the way you recited it to me.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Let him go.' Then he said, 'Recite, Hisham,' and Hisham recited as I had heard him recite. The Messenger of Allah, may Allah bless him and grant him peace, said, 'It was sent down like that.' Then he said to me, 'Recite' and I recited the sura, and he said, 'It was sent down like that. This Qur'an was sent down in seven (different) ways, so recite from it whatever is easy for you .' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدٍ الْقَارِيِّ، أَنَّهُ قَالَ سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ، يَقُولُ سَمِعْتُ هِشَامَ بْنَ حَكِيمِ بْنِ حِزَامٍ، يَقْرَأُ سُورَةَ الْفُرْقَانِ عَلَى غَيْرِ مَا أَقْرَؤُهَا وَكَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم أَقْرَأَنِيهَا فَكِدْتُ أَنْ أَعْجَلَ عَلَيْهِ ثُمَّ أَمْهَلْتُهُ حَتَّى انْصَرَفَ ثُمَّ لَبَّبْتُهُ بِرِدَائِهِ فَجِئْتُ بِهِ رَسُولَ اللَّهِ صلى الله عليه وسلم فَقُلْتُ يَا رَسُولَ اللَّهِ إِنِّي سَمِعْتُ هَذَا يَقْرَأُ سُورَةَ الْفُرْقَانِ عَلَى غَيْرِ مَا أَقْرَأْتَنِيهَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَرْسِلْهُ - ثُمَّ قَالَ - اقْرَأْ يَا هِشَامُ " . فَقَرَأَ الْقِرَاءَةَ الَّتِي سَمِعْتُهُ يَقْرَأُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " هَكَذَا أُنْزِلَتْ " . ثُمَّ قَالَ لِي " اقْرَأْ " . فَقَرَأْتُهَا فَقَالَ " هَكَذَا أُنْزِلَتْ إِنَّ هَذَا الْقُرْآنَ أُنْزِلَ عَلَى سَبْعَةِ أَحْرُفٍ فَاقْرَءُوا مَا تَيَسَّرَ مِنْهُ " .

USC-MSA web (English) reference : Book 15, Hadith 5
Arabic reference : Book 15, Hadith 477

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "A man who knows the Qur'an well is like a man who has a hobbled camel. If he takes care of it, he keeps it, and if he lets it go, it gets away."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّمَا مَثَلُ صَاحِبِ الْقُرْآنِ كَمَثَلِ صَاحِبِ الإِبِلِ الْمُعَقَّلَةِ إِنْ عَاهَدَ عَلَيْهَا أَمْسَكَهَا وَإِنْ أَطْلَقَهَا ذَهَبَتْ " .

USC-MSA web (English) reference : Book 15, Hadith 6
Arabic reference : Book 15, Hadith 478

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that al-Harith ibn Hisham asked the Messenger of Allah, may Allah bless him and grant him peace, "How does the revelation come to you?" and the Messenger of Allah, may Allah bless him and grant him peace, said, "Sometimes it comes to me like the ringing of a bell, and that is the hardest for me, and when it leaves me I remember what it has said. And sometimes the angel appears to me in the likeness of a man and talks to me and I remember what he says."

A'isha added, "I saw it coming down on him on an intensely cold day, and when it had left him his forehead was dripping with sweat."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ الْحَارِثَ بْنَ هِشَامٍ سَأَلَ رَسُولَ اللَّهِ كَيْفَ يَأْتِيكَ الْوَحْىُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَحْيَانًا يَأْتِينِي فِي مِثْلِ صَلْصَلَةِ الْجَرَسِ وَهُوَ أَشَدُّهُ عَلَىَّ فَيَفْصِمُ عَنِّي وَقَدْ وَعَيْتُ مَا قَالَ وَأَحْيَانًا يَتَمَثَّلُ لِيَ الْمَلَكُ رَجُلاً فَيُكَلِّمُنِي فَأَعِي مَا يَقُولُ " . قَالَتْ عَائِشَةُ وَلَقَدْ رَأَيْتُهُ يَنْزِلُ عَلَيْهِ فِي الْيَوْمِ الشَّدِيدِ الْبَرْدِ فَيُفْصِمُ عَنْهُ وَإِنَّ جَبِينَهُ لَيَتَفَصَّدُ عَرَقًا .

USC-MSA web (English) reference : Book 15, Hadith 7
Arabic reference : Book 15, Hadith 479

Yahya related to me from Malik from Hisham ibn Urwa that his father said that Abasa (Sura 80) was sent down about Abdullah ibn Umm Maktum. He came to the Prophet, may Allah bless him and grant him peace, and began to say, "O Muhammad, show me a place near you (where I can sit)," whilst one of the leading men of the idol worshippers was in audience with the Prophet, may Allah bless him and grant him peace. The Prophet, may Allah bless him and grant him peace, began to turn away from him and give his attention to the other man, and he said to him, "Father of so-and-so, do you see any harm in what I am saying?" and he said, "No, by the blood (of our sacrifices) I see no harm in what you are saying." And Abasa - "He frowned and turned away when the blind man came" - was sent down.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ أُنْزِلَتْ {عَبَسَ وَتَوَلَّى} فِي عَبْدِ اللَّهِ بْنِ أُمِّ مَكْتُومٍ جَاءَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَجَعَلَ يَقُولُ يَا مُحَمَّدُ اسْتَدْنِينِي وَعِنْدَ النَّبِيِّ صلى الله عليه وسلم رَجُلٌ مِنْ عُظَمَاءِ الْمُشْرِكِينَ فَجَعَلَ النَّبِيُّ صلى الله عليه وسلم يُعْرِضُ عَنْهُ وَيُقْبِلُ عَلَى الآخَرِ وَيَقُولُ " يَا أَبَا فُلاَنٍ هَلْ تَرَى بِمَا أَقُولُ بَأْسًا " . فَيَقُولُ لاَ وَالدِّمَاءِ مَا أَرَى بِمَا تَقُولُ بَأْسًا . فَأُنْزِلَتْ {عَبَسَ وَتَوَلَّى أَنْ جَاءَهُ الأَعْمَى}

USC-MSA web (English) reference : Book 15, Hadith 8
Arabic reference : Book 15, Hadith 480

Yahya related to me from Malik from Zayd ibn Aslam from his father that the Messenger of Allah, may Allah bless him and grant him peace, was on one of his journeys, and one night Umar ibn al-Khattab, who was travelling with him, asked him about something, but he did not answer him. He asked him again, but he did not answer him. Then he asked him again, and again he did not answer him. Umar said, "May your mother be bereaved of you, Umar. Three times you have importuned the Messenger of Allah, may Allah bless him and grant him peace, with a question and he has not answered you at all."

Umar continued, "I got my camel moving until, when I was in front of the people, I feared that a piece of Qur'an was being sent down about me. It was not long before I heard a crier calling for me, and I said that I feared that a piece of Qur'an had been sent down about me." He continued, "I came to the Messenger of Allah, may Allah bless him and

grant him peace, and said, 'Peace be upon you' to him, and he said, 'A sura has been sent down to me this night that is more beloved to me than anything on which the sun rises.' Then he recited al-Fath (Sura 48).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَسِيرُ فِي بَعْضِ أَسْفَارِهِ وَعُمَرُ بْنُ الْخَطَّابِ يَسِيرُ مَعَهُ لَيْلاً فَسَأَلَهُ عُمَرُ عَنْ شَىْءٍ فَلَمْ يُجِبْهُ ثُمَّ سَأَلَهُ فَلَمْ يُجِبْهُ ثُمَّ سَأَلَهُ فَلَمْ يُجِبْهُ . فَقَالَ عُمَرُ ثَكِلَتْكَ أُمُّكَ عُمَرُ نَزَرْتَ رَسُولَ اللَّهِ صلى الله عليه وسلم ثَلاَثَ مَرَّاتٍ كُلُّ ذَلِكَ لاَ يُجِيبُكَ - قَالَ عُمَرُ - فَحَرَّكْتُ بَعِيرِي حَتَّى إِذَا كُنْتُ أَمَامَ النَّاسِ وَخَشِيتُ أَنْ يُنْزَلَ فِيَّ قُرْآنٌ فَمَا نَشِبْتُ أَنْ سَمِعْتُ صَارِخًا يَصْرُخُ بِي - قَالَ - فَقُلْتُ لَقَدْ خَشِيتُ أَنْ يَكُونَ نَزَلَ فِيَّ قُرْآنٌ - قَالَ - فَجِئْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم فَسَلَّمْتُ عَلَيْهِ فَقَالَ " لَقَدْ أُنْزِلَتْ عَلَىَّ هَذِهِ اللَّيْلَةَ سُورَةٌ لَهِيَ أَحَبُّ إِلَىَّ مِمَّا طَلَعَتْ عَلَيْهِ الشَّمْسُ " . ثُمَّ قَرَأَ { إِنَّا فَتَحْنَا لَكَ فَتْحًا مُبِينًا}

USC-MSA web (English) reference : Book 15, Hadith 9
Arabic reference : Book 15, Hadith 481

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Ibrahim ibn al-Harith at-Taymi from Abu Salama ibn Abd ar Rahman that Abu Said said that he had heard the Messenger of Allah, may Allah bless him and grant him peace, say, "A group of people will appear among you whose prayer, fasting and deeds will make you think little of your own prayer, fasting and deeds. They will recite the Qur'an, but it wil not get past their throats, and they will pass through the deen like an arrow passes through game. You look at the arrowhead, and you see nothing, and you look at the shaft, and you see nothing, and you look at the flights, and you see nothing. And you are in doubt about the notch."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي سَعِيدٍ، قَالَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " يَخْرُجُ فِيكُمْ قَوْمٌ تَحْقِرُونَ صَلاَتَكُمْ مَعَ صَلاَتِهِمْ وَصِيَامَكُمْ مَعَ صِيَامِهِمْ وَأَعْمَالَكُمْ مَعَ أَعْمَالِهِمْ يَقْرَءُونَ الْقُرْآنَ وَلاَ يُجَاوِزُ حَنَاجِرَهُمْ يَمْرُقُونَ مِنَ الدِّينِ مُرُوقَ السَّهْمِ مِنَ الرَّمِيَّةِ تَنْظُرُ فِي النَّصْلِ فَلاَ تَرَى شَيْئًا وَتَنْظُرُ فِي الْقِدْحِ فَلاَ تَرَى شَيْئًا وَتَنْظُرُ فِي الرِّيشِ فَلاَ تَرَى شَيْئًا وَتَتَمَارَى فِي الْفُوقِ " .

USC-MSA web (English) reference : Book 15, Hadith 10
Arabic reference : Book 15, Hadith 482

Yahya related to me from Malik that he had heard that it took Abdullah ibn Umar eight years to learn Surat al-Baqara. (Sura 2)

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، مَكَثَ عَلَى سُورَةِ الْبَقَرَةِ ثَمَانِيَ سِنِينَ يَتَعَلَّمُهَا .

USC-MSA web (English) reference : Book 15, Hadith 11
Arabic reference : Book 15, Hadith 483

Yahya related to me from Malik from Abdullah ibn Yazid, the mawla of al Aswad ibn Sufyan, from Abu Salama ibn Abd ar Rahman that Abu Hurayra recited al-Inshiqaq (Sura 84) to them and prostrated in it. When he had finished he told them that the Messenger of Allah, may Allah bless him and grant him peace, had prostrated in it.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، مَوْلَى الأَسْوَدِ بْنِ سُفْيَانَ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ أَبَا هُرَيْرَةَ، قَرَأَ لَهُمْ {إِذَا السَّمَاءُ انْشَقَّتْ} فَسَجَدَ فِيهَا فَلَمَّا انْصَرَفَ أَخْبَرَهُمْ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سَجَدَ فِيهَا .

USC-MSA web (English) reference : Book 15, Hadith 12
Arabic reference : Book 15, Hadith 484

Yahya related to me from Malik from Nafi, the mawla of Ibn Umar that a man from Egypt told him that Umar ibn al-Khattab recited Surat al-Hajj (Sura 22) and prostrated twice in it, and then said, "This sura has been given special preference by having two prostrations in it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، مَوْلَى ابْنِ عُمَرَ أَنَّ رَجُلاً، مِنْ أَهْلِ مِصْرَ أَخْبَرَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَرَأَ سُورَةَ الْحَجِّ فَسَجَدَ فِيهَا سَجْدَتَيْنِ ثُمَّ قَالَ إِنَّ هَذِهِ السُّورَةَ فُضِّلَتْ بِسَجْدَتَيْنِ ‏.‏

USC-MSA web (English) reference : Book 15, Hadith 13
Arabic reference : Book 15, Hadith 485

Yahya related to me from Malik that Abdullah ibn Dinar said, "I saw Abdullah ibn Umar prostrate twice in Surat al-Hajj (Sura 22)."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّهُ قَالَ رَأَيْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ يَسْجُدُ فِي سُورَةِ الْحَجِّ سَجْدَتَيْنِ ‏.‏

USC-MSA web (English) reference : Book 15, Hadith 14
Arabic reference : Book 15, Hadith 486

Yahya related to me from Malik from Ibn Shihab from al-Araj that Umar ibn al Khattab recited Surat an-Najm (Sura 53) and prostrated in it, and then got up and recited another sura.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ الأَعْرَجِ، ‏.‏ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَرَأَ بِالنَّجْمِ إِذَا هَوَى فَسَجَدَ فِيهَا ثُمَّ قَامَ فَقَرَأَ بِسُورَةٍ أُخْرَى ‏.‏

USC-MSA web (English) reference : Book 15, Hadith 15
Arabic reference : Book 15, Hadith 487

Yahya related to me from Malik from Hisham ibn Urwa from his father that Umar ibn al-Khattab once recited a piece of Qur'an requiring a prostration while he was on the mimbar on the day of jumua, and he came down and prostrated, and everyone prostrated with him. Then he recited it again the next jumua and everybody prepared to prostrate but he said, "At your ease. Allah has not prescribed it for us, unless we wish." He did not prostrate, and he stopped them from prostrating.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَرَأَ سَجْدَةً وَهُوَ عَلَى الْمِنْبَرِ يَوْمَ الْجُمُعَةِ فَنَزَلَ فَسَجَدَ وَسَجَدَ النَّاسُ مَعَهُ ثُمَّ قَرَأَهَا يَوْمَ الْجُمُعَةِ الأُخْرَى فَتَهَيَّأَ النَّاسُ لِلسُّجُودِ فَقَالَ عَلَى رِسْلِكُمْ إِنَّ اللَّهَ لَمْ يَكْتُبْهَا عَلَيْنَا إِلاَّ أَنْ نَشَاءَ ‏.‏ فَلَمْ يَسْجُدْ وَمَنَعَهُمْ أَنْ يَسْجُدُوا ‏.‏

USC-MSA web (English) reference : Book 15, Hadith 16
Arabic reference : Book 15, Hadith 488

Malik said, "The imam does not come down and prostrate when he recites a piece of Qur'an requiring a prostration while he is on the mimbar."

Malik said, "The position with us is that there are eleven prescribed prostrations in the Qur'an, none of which are in the mufassal."

Malik said, "No-one should recite any of the pieces of Qur'an that require a prostration after the prayers of subh and asr. This is because the Messenger of Allah, may Allah bless him and grant him peace, forbade prayer after subh until after the sun had risen, and after asr until the sun had set, and prostration is part of the prayer. So no-one should recite any piece of Qur'an requiring a prostration during these two periods of time."

Malik was asked whether a menstruating woman could prostrate if she heard some-one reciting a passage of Qur'an requiring a prostration, and he said, "Neither a man nor a woman should prostrate unless they are ritually pure."

Malik was asked whether a man in the company of a woman who was reciting a passage of Qur'an requiring a prostration should prostrate with her, and he said, "He does not have to prostrate with her. The prostration is only obligatory for people who are with a man who is leading them. He recites the piece and they prostrate with him. Some one who hears a piece of Qur'an that requires a prostration being recited by a man who is not leading him in prayer does not have to do the prostration."

USC-MSA web (English) reference : Book 15, Hadith 16

Yahya related to me from Malik from Abd ar-Rahman ibn Abdullah ibn Sasaca from his father that Abu Said al-Khudri heard a man reciting Surat al-Ikhlas (Sura 112), repeating it over and over again. In the morning he went to the Messenger of Allah, may Allah bless him and grant him peace, and mentioned it to him, as if he thought little of it. The Messenger of Allah, may Allah bless him and grant him peace, said, "Bythe One in whose hand my self is, it is equal to one third of the Qur'an."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي صَعْصَعَةَ، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّهُ سَمِعَ رَجُلاً، يَقْرَأُ {قُلْ هُوَ اللَّهُ أَحَدٌ} يُرَدِّدُهَا فَلَمَّا أَصْبَحَ غَدَا إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَذَكَرَ ذَلِكَ لَهُ وَكَأَنَّ الرَّجُلَ يَتَقَالُّهَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " وَالَّذِي نَفْسِي بِيَدِهِ إِنَّهَا لَتَعْدِلُ ثُلُثَ الْقُرْآنِ " .

USC-MSA web (English) reference : Book 15, Hadith 17
Arabic reference : Book 15, Hadith 489

Yahya related to me from Malik from Ubaydullah ibn Abd ar-Rahman that Ubayd ibn Hunayn, the mawla of the family of Zayd ibn al Khattab, said that he had heard Abu Hurayra say, "I was going along with the Messenger of Allah, may Allah bless him and grant him peace, when he heard a man reciting Surat al-Ikhlas (Sura 112). The Messenger of Allah, may Allah bless him and grant him peace, said, 'It is obligatory,' and I asked him, 'What is, Messenger of Allah?' and he said, 'The Garden.' I wanted to tell the man the good news but I was afraid that I would miss the midday meal with the Messenger of Allah, may Allah bless him and grant him peace, and I preferred to eat with the Messenger of Allah, may Allah bless him and grant him peace. When I went to the man afterwards I found that he had gone."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عُبَيْدِ بْنِ حُنَيْنٍ، مَوْلَى آلِ زَيْدِ بْنِ الْخَطَّابِ أَنَّهُ قَالَ سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ أَقْبَلْتُ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فَسَمِعَ رَجُلاً يَقْرَأُ {قُلْ هُوَ اللَّهُ أَحَدٌ} فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " وَجَبَتْ " . فَسَأَلْتُهُ مَاذَا يَا رَسُولَ اللَّهِ فَقَالَ " الْجَنَّةُ " . فَقَالَ أَبُو هُرَيْرَةَ فَأَرَدْتُ أَنْ أَذْهَبَ إِلَيْهِ فَأُبَشِّرَهُ ثُمَّ فَرِقْتُ أَنْ يَفُوتَنِي الْغَدَاءُ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فَآثَرْتُ الْغَدَاءَ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم ثُمَّ ذَهَبْتُ إِلَى الرَّجُلِ فَوَجَدْتُهُ قَدْ ذَهَبَ .

USC-MSA web (English) reference : Book 15, Hadith 18
Arabic reference : Book 15, Hadith 490

Yahya related to me from Malik from Ibn Shihab that Humayd ibn Abd ar-Rahman ibn Awf had told him that Surat al-Ikhlas (Sura 112) was equal to a third of the Qur'an, and that Surat al-Mulk (Sura 67) pleaded for its owner.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّهُ أَخْبَرَهُ أَنَّ {قُلْ هُوَ اللَّهُ أَحَدٌ} تَعْدِلُ ثُلُثَ الْقُرْآنِ وَأَنَّ {تَبَارَكَ الَّذِي بِيَدِهِ الْمُلْكُ} تُجَادِلُ عَنْ صَاحِبِهَا .

USC-MSA web (English) reference : Book 15, Hadith 19
Arabic reference : Book 15, Hadith 491

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr, from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever says 'There is no god but Allah, alone, without any partner. The Kingdom and praise belong to Him and He has power over everything' (La ilaha illa'llah, wahdahu la sharika lah, lahu'l mulku wa lahu'l hamd, wa huwa ala kulli shay'in qadir) one hundred times a day, it is the same for him as freeing ten slaves. One hundred good actions are written for him and one hundred wrong actions are erased from him, and it is a protection from Shaytan for that day until the night. No-one does anything more excellent than what he does except someone who does more than that."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ سُمَيٍّ، مَوْلَى أَبِي بَكْرٍ عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ قَالَ لاَ إِلَهَ إِلاَّ اللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَىْءٍ قَدِيرٌ فِي يَوْمٍ مِائَةَ مَرَّةٍ كَانَتْ لَهُ عَدْلَ عَشْرِ رِقَابٍ وَكُتِبَتْ لَهُ مِائَةُ حَسَنَةٍ وَمُحِيَتْ عَنْهُ مِائَةُ سَيِّئَةٍ وَكَانَتْ لَهُ حِرْزًا مِنَ الشَّيْطَانِ يَوْمَهُ ذَلِكَ حَتَّى يُمْسِيَ وَلَمْ يَأْتِ أَحَدٌ بِأَفْضَلَ مِمَّا جَاءَ بِهِ إِلاَّ أَحَدٌ عَمِلَ أَكْثَرَ مِنْ ذَلِكَ " .

USC-MSA web (English) reference : Book 15, Hadith 20
Arabic reference : Book 15, Hadith 492

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr, from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever says, 'Glory be to Allah and with His praise' (Subhana'llah wa bi-hamdihi) one hundred times in a day will have his wrong actions taken away from him, even if they are as abundant as the foam on the sea."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَيٍّ، مَوْلَى أَبِي بَكْرٍ عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ قَالَ سُبْحَانَ اللَّهِ وَبِحَمْدِهِ فِي يَوْمٍ مِائَةَ مَرَّةٍ حُطَّتْ عَنْهُ خَطَايَاهُ وَإِنْ كَانَتْ مِثْلَ زَبَدِ الْبَحْرِ " .

USC-MSA web (English) reference : Book 15, Hadith 21
Arabic reference : Book 15, Hadith 493

Yahya related to me from Malik from Abu Ubayd, the mawla of Sulayman ibn Abd al-Malik, from Ata ibn Yazid al-Laythi that Abu Hurayra said, "Whoever says 'Glory be to Allah' (Subhana'llah) thirty- three times and 'Allah is Greater' (Allahu akbar) thirty-three times and 'Praise be to Allah' (al-hamdu lillah) thirty-three times, and seals the hundred with 'There is no god but Allah, alone without any partner. The Kingdom and praise belong to Him and He has power over everything' (La ilaha illa'llah, wahdahu la sharika lah, lahu'l mulku wa lahu'l hamd, wa huwa ala kulli shay'in qadir) after every prayer will have his wrong actions forgiven him even if they are abundant as the foam on the sea."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي عُبَيْدٍ، مَوْلَى سُلَيْمَانَ بْنِ عَبْدِ الْمَلِكِ عَنْ عَطَاءِ بْنِ يَزِيدَ اللَّيْثِيِّ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ مَنْ سَبَّحَ دُبُرَ كُلِّ صَلاَةٍ ثَلاَثًا وَثَلاَثِينَ وَكَبَّرَ ثَلاَثًا وَثَلاَثِينَ وَحَمِدَ ثَلاَثًا وَثَلاَثِينَ وَخَتَمَ الْمِائَةَ بِلاَ إِلَهَ إِلاَّ اللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَىْءٍ قَدِيرٌ غُفِرَتْ ذُنُوبُهُ وَلَوْ كَانَتْ مِثْلَ زَبَدِ الْبَحْرِ " .

USC-MSA web (English) reference : Book 15, Hadith 22
Arabic reference : Book 15, Hadith 494

Yahya related to me from Malik that Umara ibn Sayyad had heard Said ibn al Musayyab say about abiding good deeds that they were a slave's saying 'Allah is greater' (Allahu akbar) and 'Glory be to Allah' (Subahana'llah) and 'Praise be to Allah' (al-hamdu lillah) and 'There is no god but Allah and there is no power and no strength except by Allah.' (La ilaha illa'llah wa la hawla wa la quwwata illa bi'llah.)

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عُمَارَةَ بْنِ صَيَّادٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ سَمِعَهُ يَقُولُ فِي الْبَاقِيَاتِ الصَّالِحَاتِ إِنَّهَا قَوْلُ الْعَبْدِ اللَّهُ أَكْبَرُ وَسُبْحَانَ اللَّهِ وَالْحَمْدُ لِلَّهِ وَلاَ إِلَهَ إِلاَّ اللَّهُ وَلاَ حَوْلَ وَلاَ قُوَّةَ إِلاَّ بِاللَّهِ .

USC-MSA web (English) reference : Book 15, Hadith 23
Arabic reference : Book 15, Hadith 495

Yahya related to me from Malik that Ziyad ibn Abi Ziyad said that Abu'd-Darda had said, "Shall I not tell you the best of your deeds, and those that give you the highest rank, and those that are the purest with your King, and are better for you than giving gold and silver, and better for you than meeting your enemy and striking their necks?" They said, "Of course." He said, "Remembrance (dhikr) of Allah ta ala."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زِيَادِ بْنِ أَبِي زِيَادٍ، أَنَّهُ قَالَ قَالَ أَبُو الدَّرْدَاءِ أَلاَ أُخْبِرُكُمْ بِخَيْرِ، أَعْمَالِكُمْ وَأَرْفَعِهَا فِي دَرَجَاتِكُمْ وَأَزْكَاهَا عِنْدَ مَلِيكِكُمْ وَخَيْرٍ لَكُمْ مِنْ إِعْطَاءِ الذَّهَبِ وَالْوَرِقِ وَخَيْرٍ لَكُمْ مِنْ أَنْ تَلْقَوْا عَدُوَّكُمْ فَتَضْرِبُوا أَعْنَاقَهُمْ وَيَضْرِبُوا أَعْنَاقَكُمْ قَالُوا بَلَى . قَالَ ذِكْرُ اللَّهِ تَعَالَى . قَالَ زِيَادُ بْنُ أَبِي زِيَادٍ وَقَالَ أَبُو عَبْدِ الرَّحْمَنِ مُعَاذُ بْنُ جَبَلٍ مَا عَمِلَ ابْنُ آدَمَ مِنْ عَمَلٍ أَنْجَى لَهُ مِنْ عَذَابِ اللَّهِ مِنْ ذِكْرِ اللَّهِ .

USC-MSA web (English) reference : Book 15, Hadith 24
Arabic reference : Book 15, Hadith 496

Malik related to me from Nuaym ibn Abdullah ibn al-Mujmir from AIi ibn Yahya az-Zuraqi from his father that Rifaa ibn Rafi said, "One day we were praying behind the Messenger of Allah, may Allah bless him and grant him peace, when the Messenger of Allah, may Allah bless him and grant him peace, raised his head from ruku and said, 'Allah hears the one who praises Him' (Sami Allahu liman hamidah). A man behind him said, 'Our Lord, praise belongs to you - blessed, pure and abundant praise' (Rabbana wa laka'l hamd, hamdan kathiran tayiban mubarakan fihi). When the Messenger of Allah, may Allah bless him and grant him peace, had finished, he said, 'Who was it who spoke just now?' The man said, 'I did, Messenger of Allah,' and the Messenger of Allah, may Allah bless him and grant him peace, said, 'I saw more than thirty angels rushing to it to see which one of them would record it first.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ نُعَيْمِ بْنِ عَبْدِ اللَّهِ الْمُجْمِرِ، عَنْ عَلِيِّ بْنِ يَحْيَى الزُّرَقِيِّ، عَنْ أَبِيهِ، عَنْ رِفَاعَةَ بْنِ رَافِعٍ، أَنَّهُ قَالَ كُنَّا يَوْمًا نُصَلِّي وَرَاءَ رَسُولِ اللَّهِ صلى الله عليه وسلم فَلَمَّا رَفَعَ رَسُولُ اللَّهِ صلى الله عليه وسلم رَأْسَهُ مِنَ الرَّكْعَةِ وَقَالَ " سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ " .

قَالَ رَجُلٌ وَرَاءَهُ رَبَّنَا وَلَكَ الْحَمْدُ حَمْدًا كَثِيرًا طَيِّبًا مُبَارَكًا فِيهِ . فَلَمَّا انْصَرَفَ رَسُولُ اللَّهِ صلى الله عليه وسلم قَالَ " مَنِ الْمُتَكَلِّمُ آنِفًا " . فَقَالَ الرَّجُلُ أَنَا يَا رَسُولَ اللَّهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لَقَدْ رَأَيْتُ بِضْعَةً وَثَلاَثِينَ مَلَكًا يَبْتَدِرُونَهَا أَيُّهُمْ يَكْتُبُهُنَّ أَوَّلاً " .

USC-MSA web (English) reference : Book 15, Hadith 25
Arabic reference : Book 15, Hadith 497

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Every prophet is given a supplication (dua), and I wish to preserve my dua as intercession for my community in the next world.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لِكُلِّ نَبِيٍّ دَعْوَةٌ يَدْعُو بِهَا فَأُرِيدُ أَنْ أَخْتَبِئَ دَعْوَتِي شَفَاعَةً لأُمَّتِي فِي الآخِرَةِ " .

USC-MSA web (English) reference : Book 15, Hadith 26
Arabic reference : Book 15, Hadith 498

Yahya related to me from Malik from Yahya ibn Said that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, used to say the following dua, "O Allah, it is You who makes the dawn break and makes the night a time for rest and appoints the sun and moon to reckon by. Relieve me of debt and enrich me from poverty and let me enjoy my hearing, my sight and my strength in Your way."

Allahumma faliqa'l isbah, wa ja ila'l-layli sakana, wa 'sh-shamsi wa'l-qamari husbana. Iqda anniy addayna, wa'ghnaniy mina'l faqr. Na'mti aniy bi samiy wa basariy, wa quwwatiy fi sabilik.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَدْعُو فَيَقُولُ " اللَّهُمَّ فَالِقَ الإِصْبَاحِ وَجَاعِلَ اللَّيْلِ سَكَنًا وَالشَّمْسِ وَالْقَمَرِ حُسْبَانًا اقْضِ عَنِّي الدَّيْنَ وَأَغْنِنِي مِنَ الْفَقْرِ وَأَمْتِعْنِي بِسَمْعِي وَبَصَرِي وَقُوَّتِي فِي سَبِيلِكَ " .

USC-MSA web (English) reference : Book 15, Hadith 27
Arabic reference : Book 15, Hadith 499

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, ''When you are making dua do not say; 'O Allah, forgive me if You wish. O Allah, forgive me if you wish.' You should be firm in your asking, for there is no compelling Him.''

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَقُلْ أَحَدُكُمْ إِذَا دَعَا اللَّهُمَّ اغْفِرْ لِي إِنْ شِئْتَ اللَّهُمَّ ارْحَمْنِي إِنْ شِئْتَ لِيَعْزِمِ الْمَسْأَلَةَ فَإِنَّهُ لاَ مُكْرِهَ لَهُ " .

USC-MSA web (English) reference : Book 15, Hadith 28
Arabic reference : Book 15, Hadith 500

Yahya related to me from Malik from Ibn Shihab from Abu Ubayd, the mawla of Ibn Azhar, from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "You will be answered as long as you are not impatient and say, 'I have made a dua and I have not been answered .' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي عُبَيْدٍ، مَوْلَى ابْنِ أَزْهَرَ عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " يُسْتَجَابُ لأَحَدِكُمْ مَا لَمْ يَعْجَلْ فَيَقُولُ قَدْ دَعَوْتُ فَلَمْ يُسْتَجَبْ لِي " .

USC-MSA web (English) reference : Book 15, Hadith 29
Arabic reference : Book 15, Hadith 501

Yahya related to me from Malik from Ibn Shihab from Abu Abdullah al-Agharr and from Abu Salama from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Our Lord, the Blessed and Exalted, descends every night to the heaven of this world when the last third of the night is still to come and says, 'Who will call on Me so that I may answer him? Who will ask Me so that I may give him? Who will ask forgiveness of Me so that I may forgive him?' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي عَبْدِ اللَّهِ الأَغَرِّ، وَعَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " يَنْزِلُ رَبُّنَا تَبَارَكَ وَتَعَالَى كُلَّ لَيْلَةٍ إِلَى السَّمَاءِ الدُّنْيَا حِينَ يَبْقَى ثُلُثُ اللَّيْلِ الآخِرُ فَيَقُولُ مَنْ يَدْعُونِي فَأَسْتَجِيبَ لَهُ مَنْ يَسْأَلُنِي فَأُعْطِيَهُ مَنْ يَسْتَغْفِرُنِي فَأَغْفِرَ لَهُ " .

USC-MSA web (English) reference : Book 15, Hadith 30
Arabic reference : Book 15, Hadith 502

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Ibrahim ibn al-Harith at-Taymi that A'isha, umm al-muminin said, "I was sleeping by the side of the Messenger of Allah, mayAllah bless him and grant him peace, and I missed him in the night, so I felt for him with my hand and I put my hand on his feet and he was in sajda saying, 'I seek refuge in Your pleasure from Your wrath, and in Your pardon from Your punishment, and in You from You. I cannot enumerate Your praises as You praise Yourself.' "

Audhu bi ridaka min sakhatika, wa bi muafatika min uqubatika wa bika minka, la uhsiy thana'an alayka, anta kama athnayta ala nafsika.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ، قَالَتْ كُنْتُ نَائِمَةً إِلَى جَنْبِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَفَقَدْتُهُ مِنَ اللَّيْلِ فَلَمَسْتُهُ بِيَدِي فَوَضَعْتُ يَدِي عَلَى قَدَمَيْهِ وَهُوَ سَاجِدٌ يَقُولُ " أَعُوذُ بِرِضَاكَ مِنْ سَخَطِكَ وَبِمُعَافَاتِكَ مِنْ عُقُوبَتِكَ وَبِكَ مِنْكَ لاَ أُحْصِي ثَنَاءً عَلَيْكَ أَنْتَ كَمَا أَثْنَيْتَ عَلَى نَفْسِكَ " .

USC-MSA web (English) reference : Book 15, Hadith 31
Arabic reference : Book 15, Hadith 503

Yahya related to me from Malik from Ziyad ibn Abi Ziyad from Talha ibn Ubaydullah ibn Kariz that the Messenger of Allah, may Allah bless him and grant him peace, said, "The best dua is dua on the day of Arafa, and the best thing that I or the Prophets before me have said is 'There is no god but Allah, alone, without any partner' (La ilaha illa'llah, wahdahu la sharika lah.)"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زِيَادِ بْنِ أَبِي زِيَادٍ، عَنْ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ بْنِ كَرِيزٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَفْضَلُ الدُّعَاءِ دُعَاءُ يَوْمِ عَرَفَةَ وَأَفْضَلُ مَا قُلْتُ أَنَا وَالنَّبِيُّونَ مِنْ قَبْلِي لاَ إِلَهَ إِلاَّ اللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ " .

USC-MSA web (English) reference : Book 15, Hadith 32
Arabic reference : Book 15, Hadith 504

Yahya related to me from Malik from Abu'zZubayr al-Makki from Tawus al-Yamani from Abdullah ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, used to teach this dua in the same way that he would teach them a sura of the Qur'an, "O Allah, I seek refuge in You from the torment of Jahannam, and I seek refuge in You from the trial of the Dajjal, and I seek refuge in You from the trial of life and death."

Allahumma inniy audhu bika min adhabi jahannama, wa audhu bika min adhabi'l-qabri, wa audhu bika min fitnati'l-mahya wa mamati.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، عَنْ طَاوُسٍ الْيَمَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُعَلِّمُهُمْ هَذَا الدُّعَاءَ كَمَا يُعَلِّمُهُمُ السُّورَةَ مِنَ الْقُرْآنِ يَقُولُ " اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ عَذَابِ جَهَنَّمَ وَأَعُوذُ بِكَ مِنْ عَذَابِ الْقَبْرِ وَأَعُوذُ بِكَ مِنْ فِتْنَةِ الْمَسِيحِ الدَّجَّالِ وَأَعُوذُ بِكَ مِنْ فِتْنَةِ الْمَحْيَا وَالْمَمَاتِ " .

USC-MSA web (English) reference : Book 15, Hadith 33
Arabic reference : Book 15, Hadith 505

Yahya related to me from Malik from Abu'z Zubayr al-Makki from Tawus al-Yamani from Abdullah ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, used to say, when he rose for prayer in the middle of the night, "O Allah, praise belongs to You. You are the light of the heavens and the earth and praise belongs toYou.You are the Sustainer of the heavens and the earth and praise belongs to You. You are the Lord of the heavens and the earth and whoever is in them. You are the Truth, and Your words are true. Your promise is true, and the meeting with You is true. The Garden is true and the Fire is true and the Hour is true. O Allah, I submit toYou and I accept You and I trust in You and I turn to You and I argue by You and I summon toYou for judgement. Forgive me what I have sent before me and what I have left behind, what I have kept secret and what I have proclaimed, You are my god - there is no god but You."

Allahumma laka'l-hamdu anta nuru's-samawati wa'l-ardi, wa laka'l-hamdu anta qayamu's-Samawati wa'l-ardi, wa laka'l-hamdu anta rabbu's-Samawati wa'l-ardi,wamanfihina.Anta'l-haqqu,waqawluka'lhaqqu, wa waduka'l-haqqu, wa liqa'uka haqqun, wa jannatu haqqun, wa naru haqqun, wa sactu haqqun. Allahumma laka aslamtu, wa bikaamantu, waalayka tawakaltu, wa ilayka anabtu, wa bika khasamtu, wa ilayka hakamtu, fa'ghfirliy ma qadamtu wa akhartu wa asrartu, wa alantu. Anta ilahiy, la ilaha illa ant.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، عَنْ طَاوُسٍ الْيَمَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا قَامَ إِلَى الصَّلاَةِ مِنْ جَوْفِ اللَّيْلِ يَقُولُ " اللَّهُمَّ لَكَ الْحَمْدُ أَنْتَ نُورُ السَّمَوَاتِ وَالأَرْضِ وَلَكَ الْحَمْدُ أَنْتَ قَيَّامُ السَّمَوَاتِ وَالأَرْضِ وَلَكَ الْحَمْدُ أَنْتَ رَبُّ السَّمَوَاتِ وَالأَرْضِ وَمَنْ فِيهِنَّ أَنْتَ الْحَقُّ وَقَوْلُكَ الْحَقُّ وَوَعْدُكَ الْحَقُّ وَلِقَاؤُكَ حَقٌّ وَالْجَنَّةُ حَقٌّ وَالنَّارُ حَقٌّ وَالسَّاعَةُ حَقٌّ اللَّهُمَّ لَكَ أَسْلَمْتُ وَبِكَ آمَنْتُ وَعَلَيْكَ تَوَكَّلْتُ وَإِلَيْكَ أَنَبْتُ وَبِكَ خَاصَمْتُ وَإِلَيْكَ حَاكَمْتُ فَاغْفِرْ لِي مَا قَدَّمْتُ وَأَخَّرْتُ وَأَسْرَرْتُ وَأَعْلَنْتُ أَنْتَ إِلَهِي لاَ إِلَهَ إِلاَّ أَنْتَ " .

USC-MSA web (English) reference : Book 15, Hadith 34
Arabic reference : Book 15, Hadith 506

Yahya related to me from Malik that Abdullah ibn Abdullah ibn Jabir ibn Atik said that Abdullah ibn Umar had come to them in Bani Muawiya, one of the villages of the Ansar, and said, "Do you know where the Messenger of Allah, may Allah bless him and grant him peace, prayed in this mosque of yours? "I told him, "Yes," and I pointed out a place near where he was. He said, "Do you know the three things for which he made dua here?" I said "Yes." He said, "Tell me them then." I said, "He asked that He would not make an enemy from among the non- believers triumph over the believers and that He would not destroy the believers by bad harvests, and he was given both these

things. And he asked that He would not make the believers fight among themselves, and that was refused." Ibn Umar said, "You have told the truth," and he added, "Turmoil will not cease until the day of rising."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ جَابِرِ بْنِ عَتِيكٍ، أَنَّهُ قَالَ جَاءَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ فِي بَنِي مُعَاوِيَةَ - وَهِيَ قَرْيَةٌ مِنْ قُرَى الأَنْصَارِ - فَقَالَ هَلْ تَدْرُونَ أَيْنَ صَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم مِنْ مَسْجِدِكُمْ هَذَا فَقُلْتُ لَهُ نَعَمْ وَأَشَرْتُ لَهُ إِلَى نَاحِيَةٍ مِنْهُ فَقَالَ هَلْ تَدْرِي مَا الثَّلاَثُ الَّتِي دَعَا بِهِنَّ فِيهِ فَقُلْتُ نَعَمْ . قَالَ فَأَخْبِرْنِي بِهِنَّ . فَقُلْتُ دَعَا بِأَنْ لاَ يُظْهِرَ عَلَيْهِمْ عَدُوًّا مِنْ غَيْرِهِمْ وَلاَ يُهْلِكَهُمْ بِالسِّنِينَ فَأُعْطِيَهُمَا وَدَعَا بِأَنْ لاَ يَجْعَلَ بَأْسَهُمْ بَيْنَهُمْ فَمُنِعَهَا . قَالَ صَدَقْتَ . قَالَ ابْنُ عُمَرَ فَلَنْ يَزَالَ الْهَرْجُ إِلَى يَوْمِ الْقِيَامَةِ .

USC-MSA web (English) reference : Book 15, Hadith 35
Arabic reference : Book 15, Hadith 507

Yahya related to me from Malik that Zayd ibn Aslam used to say, "No-one makes a dua without one of three things happening. Either it is answered, or it is stored up for him, or wrong actions are atoned for by it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّهُ كَانَ يَقُولُ مَا مِنْ دَاعٍ يَدْعُو إِلاَّ كَانَ بَيْنَ إِحْدَى ثَلاَثٍ إِمَّا أَنْ يُسْتَجَابَ لَهُ وَإِمَّا أَنْ يُدَّخَرَ لَهُ وَإِمَّا أَنْ يُكَفَّرَ عَنْهُ .

USC-MSA web (English) reference : Book 15, Hadith 36
Arabic reference : Book 15, Hadith 508

Yahya related to me from Malik that Abdullah ibn Dinar said, "Abdullah ibn Umar saw me when I was making dua and I was pointing with two fingers, one from each hand, and he forbade me."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، قَالَ رَآنِي عَبْدُ اللَّهِ بْنُ عُمَرَ وَأَنَا أَدْعُو، وَأُشِيرُ، بِأَصْبُعَيْنِ أَصْبُعٍ مِنْ كُلِّ يَدٍ فَنَهَانِي .

USC-MSA web (English) reference : Book 15, Hadith 37
Arabic reference : Book 15, Hadith 509

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab used to say, "A man is raised by the dua of his son after his death." He spoke with his hands turned upwards, and then lifted them up.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، كَانَ يَقُولُ إِنَّ الرَّجُلَ لَيُرْفَعُ بِدُعَاءِ وَلَدِهِ مِنْ بَعْدِهِ وَقَالَ بِيَدَيْهِ نَحْوَ السَّمَاءِ فَرَفَعَهُمَا .

USC-MSA web (English) reference : Book 15, Hadith 38
Arabic reference : Book 15, Hadith 510

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "The following ayat was sent down about dua - 'And do not be loud in your prayer and do not be silent in it, but seek a way between these.' " (Sura 17 ayat 110)

Yahya said that Malik was asked about making dua in obligatory prayers and he said, "There is no harm in making dua in them."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ إِنَّمَا أُنْزِلَتْ هَذِهِ الآيَةُ {وَلاَ تَجْهَرْ بِصَلاَتِكَ وَلاَ تُخَافِتْ بِهَا وَابْتَغِ بَيْنَ ذَلِكَ سَبِيلاً} فِي الدُّعَاءِ . قَالَ يَحْيَى وَسُئِلَ مَالِكٌ عَنِ الدُّعَاءِ فِي الصَّلاَةِ الْمَكْتُوبَةِ فَقَالَ لاَ بَأْسَ بِالدُّعَاءِ فِيهَا .

USC-MSA web (English) reference : Book 15, Hadith 39
Arabic reference : Book 15, Hadith 511

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, used to make dua saying, "O Allah, I askYou for good actions and for leaving what is disapproved of and for love of the poor. And if You wish to try people, then bring me to You without being tried."

Allahumma inniy asa'luka fala'l-khayrati, wa tarqa'l-munqarati, wa hubba'l-masakin, wa idha aradta fi'n-nasi fitnatan fa'qbithni ilayka ghayra maftun.
وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَدْعُو فَيَقُولُ " اللَّهُمَّ إِنِّي أَسْأَلُكَ فِعْلَ الْخَيْرَاتِ وَتَرْكَ الْمُنْكَرَاتِ وَحُبَّ الْمَسَاكِينِ وَإِذَا أَرَدْتَ فِي النَّاسِ فِتْنَةً فَاقْبِضْنِي إِلَيْكَ غَيْرَ مَفْتُونٍ " .

USC-MSA web (English) reference : Book 15, Hadith 40
Arabic reference : Book 15, Hadith 512

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "No one calls to guidance without having the same reward as those who follow him without diminishing their rewards at all. And no one calls to error without having the same burdens as they do without diminishing their burdens at all."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَا مِنْ دَاعٍ يَدْعُو إِلَى هُدًى إِلاَّ كَانَ لَهُ مِثْلُ أَجْرِ مَنِ اتَّبَعَهُ لاَ يَنْقُصُ ذَلِكَ مِنْ أُجُورِهِمْ شَيْئًا وَمَا مِنْ دَاعٍ يَدْعُو إِلَى ضَلاَلَةٍ إِلاَّ كَانَ عَلَيْهِ مِثْلُ أَوْزَارِهِمْ لاَ يَنْقُصُ ذَلِكَ مِنْ أَوْزَارِهِمْ شَيْئًا " .

USC-MSA web (English) reference : Book 15, Hadith 41
Arabic reference : Book 15, Hadith 513

Yahya related to me from Malik that he had heard that Abdullah ibn Umar said, "O Allah, make me one of the leaders of the people of taqwa ."

Allahumma jalniy min a'imati'l-mutaqin.
وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، قَالَ اللَّهُمَّ اجْعَلْنِي مِنْ أَئِمَّةِ الْمُتَّقِينَ .

USC-MSA web (English) reference : Book 15, Hadith 42
Arabic reference : Book 15, Hadith 514

Yahya related to me from Malik that he had heard that Abu'd-Darda used to rise in the middle of the night and say, "Eyes have slept, and stars have set, and You are the Living and Self Subsistent."

Namat'l uyun wa ghariti'n-nujum wa anta'lhayyu-l-qayyum.
وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا الدَّرْدَاءِ، كَانَ يَقُومُ مِنْ جَوْفِ اللَّيْلِ فَيَقُولُ نَامَتِ الْعُيُونُ وَغَارَتِ النُّجُومُ وَأَنْتَ الْحَىُّ الْقَيُّومُ .

USC-MSA web (English) reference : Book 15, Hadith 43
Arabic reference : Book 15, Hadith 515

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar from Abdullah as-Sunabihi that the Messenger of Allah, may Allah bless him and grant him peace, said, "The sun rises and with it is a horn of Shaytan and when the sun gets higher the horn leaves it. Then when the sun reaches the meridian the horn joins it and when the sun declines the horn leaves it, and when the sun has nearly set it joins it again." The Messenger of Allah, may Allah bless him and grant him peace, forbade prayer at these times.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ عَبْدِ اللَّهِ الصُّنَابِحِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّ الشَّمْسَ تَطْلُعُ وَمَعَهَا قَرْنُ الشَّيْطَانِ فَإِذَا ارْتَفَعَتْ فَارَقَهَا ثُمَّ إِذَا اسْتَوَتْ قَارَنَهَا فَإِذَا زَالَتْ فَارَقَهَا فَإِذَا دَنَتْ لِلْغُرُوبِ قَارَنَهَا فَإِذَا غَرَبَتْ فَارَقَهَا " . وَنَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم عَنِ الصَّلاَةِ فِي تِلْكَ السَّاعَاتِ .

USC-MSA web (English) reference : Book 15, Hadith 44
Arabic reference : Book 15, Hadith 516

Yahya related to me from Malik from Hisham ibn Urwa that his father said that the Messenger of Allah, may Allah bless him and grant him peace, used to say, "Delay the prayer when the edge of the sun appears until it is completely in view, and delay the prayer when the edge of the sun is disappearing until it has completely disappeared."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَقُولُ " إِذَا بَدَا حَاجِبُ الشَّمْسِ فَأَخِّرُوا الصَّلاَةَ حَتَّى تَبْرُزَ وَإِذَا غَابَ حَاجِبُ الشَّمْسِ فَأَخِّرُوا الصَّلاَةَ حَتَّى تَغِيبَ " .

USC-MSA web (English) reference : Book 15, Hadith 45
Arabic reference : Book 15, Hadith 517

Yahya related to me from Malik that al-Ala ibn Abd ar-Rahman said, "We visited Anas ibn Malik after dhuhr and he stood up and prayed asr. When he had finished his prayer, we mentioned doing prayers early in their time, or he mentioned it, and he said that he had heard the Messenger of Allah, may Allah bless him and grant him peace, say, the prayer of the hypocrites, the prayer of the hypocrites, the prayer of the hypocrites is that one of them sits until the sun becomes yellow and is between the horns of Shaytan, or on the horn of Shaytan, and then gets up and rattles off four rakas, hardly remembering Allah in them at all.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ دَخَلْنَا عَلَى أَنَسِ بْنِ مَالِكٍ بَعْدَ الظُّهْرِ فَقَامَ يُصَلِّي الْعَصْرَ فَلَمَّا فَرَغَ مِنْ صَلاَتِهِ ذَكَرْنَا تَعْجِيلَ الصَّلاَةِ أَوْ ذَكَرَهَا فَقَالَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " تِلْكَ صَلاَةُ الْمُنَافِقِينَ تِلْكَ صَلاَةُ الْمُنَافِقِينَ تِلْكَ صَلاَةُ الْمُنَافِقِينَ يَجْلِسُ أَحَدُهُمْ حَتَّى إِذَا اصْفَرَّتِ الشَّمْسُ وَكَانَتْ بَيْنَ قَرْنَىِ الشَّيْطَانِ - أَوْ عَلَى قَرْنِ الشَّيْطَانِ - قَامَ فَنَقَرَ أَرْبَعًا لاَ يَذْكُرُ اللَّهَ فِيهَا إِلاَّ قَلِيلاً " .

USC-MSA web (English) reference : Book 15, Hadith 46
Arabic reference : Book 15, Hadith 518

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "You should not intend to pray either at sunrise or sunset."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَتَحَرَّ أَحَدُكُمْ فَيُصَلِّيَ عِنْدَ طُلُوعِ الشَّمْسِ وَلاَ عِنْدَ غُرُوبِهَا " .

USC-MSA web (English) reference : Book 15, Hadith 47
Arabic reference : Book 15, Hadith 519

Yahya related to me from Malik from Muhammad ibn Yahya ibn Habban from al Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, forbade prayer after asr until the sun had set, and prayer after subh until the sun had risen.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنِ الصَّلاَةِ بَعْدَ الْعَصْرِ حَتَّى تَغْرُبَ الشَّمْسُ وَعَنِ الصَّلاَةِ بَعْدَ الصُّبْحِ حَتَّى تَطْلُعَ الشَّمْسُ .

USC-MSA web (English) reference : Book 15, Hadith 48
Arabic reference : Book 15, Hadith 520

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that Umar ibn al-Khattab used to say, "Do not intend to do your prayer at either sunrise or sunset, for the horns of Shaytan rise with the rising of the sun and set with its setting."

Umar used to beat people for that kind of prayer.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَقُولُ لاَ تَحَرَّوْا بِصَلاَتِكُمْ طُلُوعَ الشَّمْسِ وَلاَ غُرُوبَهَا فَإِنَّ الشَّيْطَانَ يَطْلُعُ قَرْنَاهُ مَعَ طُلُوعِ الشَّمْسِ وَيَغْرُبَانِ مَعَ غُرُوبِهَا وَكَانَ يَضْرِبُ النَّاسَ عَلَى تِلْكَ الصَّلاَةِ .

USC-MSA web (English) reference : Book 15, Hadith 49
Arabic reference : Book 15, Hadith 521

Yahya related to me from Malik from Ibn Shihab from as-Sa'ib ibn Yazid that he saw Umar ibn al-Khattab beating al-Munkadir for praying after asr.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ السَّائِبِ بْنِ يَزِيدَ، أَنَّهُ رَأَى عُمَرَ بْنَ الْخَطَّابِ يَضْرِبُ الْمُنْكَدِرَ فِي الصَّلاَةِ بَعْدَ الْعَصْرِ .

USC-MSA web (English) reference : Book 15, Hadith 50
Arabic reference : Book 15, Hadith 522

16 - Burials كتاب الجنائز

Yahya related to me from Malik from Jafar ibn Muhammad from his father that the Messenger of Allah, may Allah bless him and grant him peace, was washed in a long shirt.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم غُسِّلَ فِي قَمِيصٍ .

USC-MSA web (English) reference : Book 16, Hadith 1
Arabic reference : Book 16, Hadith 523

Yahya related to me from Malik from Ayyub ibn Abi Tamima as- Sakhtayani from Muhammad ibn Sirin that Umm Atiyya al-Ansariyya said, "The Messenger of Allah, may Allah bless him and grant him peace, came to us when his daughter died and said, 'Wash her three times, or five, or more than that if you think it necessary, with water and lotus leaves, and at the end put on some camphor, or a little camphor, and when you have finished let me know.' When we finished we told him, and he gave us his waist-wrapper and said, 'Shroud her with this.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ أَبِي تَمِيمَةَ السَّخْتِيَانِيِّ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أُمِّ عَطِيَّةَ الأَنْصَارِيَّةِ، قَالَتْ دَخَلَ عَلَيْنَا رَسُولُ اللَّهِ صلى الله عليه وسلم حِينَ تُوُفِّيَتِ ابْنَتُهُ فَقَالَ " اغْسِلْنَهَا ثَلاَثًا أَوْ خَمْسًا أَوْ أَكْثَرَ مِنْ ذَلِكَ إِنْ رَأَيْتُنَّ ذَلِكَ بِمَاءٍ وَسِدْرٍ وَاجْعَلْنَ فِي الآخِرَةِ كَافُورًا أَوْ شَيْئًا مِنْ كَافُورٍ فَإِذَا فَرَغْتُنَّ فَآذِنَّنِي " . قَالَتْ فَلَمَّا فَرَغْنَا آذَنَّاهُ فَأَعْطَانَا حِقْوَهُ فَقَالَ " أَشْعِرْنَهَا إِيَّاهُ " . تَعْنِي بِحِقْوِهِ إِزَارَهُ .

USC-MSA web (English) reference : Book 16, Hadith 2
Arabic reference : Book 16, Hadith 524

Yahya related to me from Malik from Abdullah ibn Abi Bakr that Asma bint Umays washed Abu Bakr as-Siddiq when he died. Then she went out and asked some of the muhajirun who were there, "I am fasting and this is an extremely cold day. Do I have to do ghusl?" They said, "No."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، أَنَّ أَسْمَاءَ بِنْتَ عُمَيْسٍ، غَسَّلَتْ أَبَا بَكْرٍ الصِّدِّيقَ حِينَ تُوُفِّيَ ثُمَّ خَرَجَتْ فَسَأَلَتْ مَنْ حَضَرَهَا مِنَ الْمُهَاجِرِينَ فَقَالَتْ إِنِّي صَائِمَةٌ وَإِنَّ هَذَا يَوْمٌ شَدِيدُ الْبَرْدِ فَهَلْ عَلَىَّ مِنْ غُسْلٍ فَقَالُوا لاَ .

USC-MSA web (English) reference : Book 16, Hadith 3
Arabic reference : Book 16, Hadith 525

Yahya related to me from Malik that he had heard people of knowledge say, "When a woman dies and there are no women with her to wash her and no man who has the right by blood ties to take charge of that for her and no husband to take charge of it for her, she should be purified by tayammum ,that is, by wiping her face and hands with earth."

Malik said, "When a man dies and there are only women with him, they also should purify him with earth ."
Malik said, "There is no particular way with us for washing the dead nor any recognised way to do it. They are just washed and purified."

وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ سَمِعَ أَهْلَ الْعِلْمِ يَقُولُونَ إِذَا مَاتَتِ الْمَرْأَةُ وَلَيْسَ مَعَهَا نِسَاءٌ يُغَسِّلْنَهَا وَلاَ مِنْ ذَوِي الْمَحْرَمِ أَحَدٌ يَلِي ذَلِكَ مِنْهَا وَلاَ زَوْجٌ يَلِي ذَلِكَ مِنْهَا يُمِّمَتْ فَمُسِحَ بِوَجْهِهَا وَكَفَّيْهَا مِنَ الصَّعِيدِ . قَالَ مَالِكٌ وَإِذَا هَلَكَ الرَّجُلُ وَلَيْسَ مَعَهُ أَحَدٌ إِلاَّ نِسَاءٌ يَمَّمْنَهُ أَيْضًا . قَالَ مَالِكٌ وَلَيْسَ لِغُسْلِ الْمَيِّتِ عِنْدَنَا شَىْءٌ مَوْصُوفٌ وَلَيْسَ لِذَلِكَ صِفَةٌ مَعْلُومَةٌ وَلَكِنْ يُغَسَّلُ فَيُطَهَّرُ .

USC-MSA web (English) reference : Book 16, Hadith 4
Arabic reference : Book 16, Hadith 525

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, was shrouded in three pure white cotton garments, none of which was a long shirt or a turban.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كُفِّنَ فِي ثَلاَثَةِ أَثْوَابٍ بِيضٍ سَحُولِيَّةٍ لَيْسَ فِيهَا قَمِيصٌ وَلاَ عِمَامَةٌ .

USC-MSA web (English) reference : Book 16, Hadith 5
Arabic reference : Book 16, Hadith 526

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كُفِّنَ فِي ثَلاَثَةِ أَثْوَابٍ بِيضٍ سَحُولِيَّةٍ .

Arabic reference : Book 16, Hadith 527

Yahya related to me from Malik that Yahya ibn Said said that he had heard that when Abu Bakr as-Siddiq was ill he asked A'isha, "How many shrouds did the Messenger of Allah, may Allah bless him and grant him peace, have?" and she replied, "Three pure white cotton garments." Abu Bakr said, "Take this garment (a garment he was wearing on which red clay or saffron had fallen) and wash it. Then shroud me in it with two other garments." A'isha said, "Why's that?", and Abu Bakr replied, "The living have greater need of the new than the dead. This is only for the body fluids that come out as the body decays."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ بَلَغَنِي أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ، قَالَ لِعَائِشَةَ وَهُوَ مَرِيضٌ فِي كَمْ كُفِّنَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقَالَتْ فِي ثَلاَثَةِ أَثْوَابٍ بِيضٍ سَحُولِيَّةٍ . فَقَالَ أَبُو بَكْرٍ خُذُوا هَذَا الثَّوْبَ - لِثَوْبٍ عَلَيْهِ قَدْ أَصَابَهُ مِشْقٌ أَوْ زَعْفَرَانٌ - فَاغْسِلُوهُ ثُمَّ كَفِّنُونِي فِيهِ مَعَ ثَوْبَيْنِ آخَرَيْنِ . فَقَالَتْ عَائِشَةُ وَمَا هَذَا فَقَالَ أَبُو بَكْرٍ الْحَىُّ أَحْوَجُ إِلَى الْجَدِيدِ مِنَ الْمَيِّتِ وَإِنَّمَا هَذَا لِلْمُهْلَةِ .

USC-MSA web (English) reference : Book 16, Hadith 6
Arabic reference : Book 16, Hadith 528

Yahya related to me from Malik from Ibn Shihab from Humayd ibn Abdar-Rahman ibn Awf that Abdullah ibn Amr ibn al-As said, "A dead man is clothed in a shirt and a waist-wrapper and then wrapped in a third, and if he only has one garment he is shrouded in that."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ، أَنَّهُ قَالَ الْمَيِّتُ يُقَمَّصُ وَيُؤَزَّرُ وَيُلَفُّ فِي الثَّوْبِ الثَّالِثِ فَإِنْ لَمْ يَكُنْ إِلاَّ ثَوْبٌ وَاحِدٌ كُفِّنَ فِيهِ .

USC-MSA web (English) reference : Book 16, Hadith 7

Arabic reference : Book 16, Hadith 529

Yahya related to me from Malik from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, and Abu Bakr and Umar as well as the khalifas up until this time and Abdullah ibn Umar, would walk in front of the bier.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم وَأَبَا بَكْرٍ وَعُمَرَ كَانُوا يَمْشُونَ أَمَامَ الْجَنَازَةِ وَالْخُلَفَاءُ هَلُمَّ جَرًّا وَعَبْدُ اللَّهِ بْنُ عُمَرَ .

USC-MSA web (English) reference : Book 16, Hadith 8
Arabic reference : Book 16, Hadith 530

Yahya related to me from Muhammad ibn alMunkadir that Rabia ibn Abdullah ibn alHadir told him that he had seen Umar ibn al-Khattab leading people in front of the bier at the funeral of Zaynab bint Jahsh.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ رَبِيعَةَ بْنِ عَبْدِ اللَّهِ بْنِ الْهُدَيْرِ، أَنَّهُ أَخْبَرَهُ أَنَّهُ، رَأَى عُمَرَ بْنَ الْخَطَّابِ يَقْدُمُ النَّاسَ أَمَامَ الْجَنَازَةِ فِي جَنَازَةِ زَيْنَبَ بِنْتِ جَحْشٍ .

USC-MSA web (English) reference : Book 16, Hadith 9
Arabic reference : Book 16, Hadith 531

Yahya related to me from Malik that Hisham ibn Urwa said, "I only ever saw my father in front of a funeral procession." He added, "Then he would come to al-Baqi and sit down until the procession passed him."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، قَالَ مَا رَأَيْتُ أَبِي قَطُّ فِي جَنَازَةٍ إِلاَّ أَمَامَهَا - قَالَ - ثُمَّ يَأْتِي الْبَقِيعَ فَيَجْلِسُ حَتَّى يَمُرُّوا عَلَيْهِ .

USC-MSA web (English) reference : Book 16, Hadith 10
Arabic reference : Book 16, Hadith 532

Yahya related to me from Malik that Ibn Shihab said, "Walking behind the bier is in contradiction to the sunna."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ الْمَشْىُ خَلْفَ الْجَنَازَةِ مِنْ خَطَإِ السُّنَّةِ .

USC-MSA web (English) reference : Book 16, Hadith 11
Arabic reference : Book 16, Hadith 533

Yahya related to me from Malik from Hisham ibn Urwa that Asma bint Abi Bakr said to her family, "Perfume my clothes with incense when I die and then embalm me. Do not put any of the embalming substance on my shroud, and do not follow me with a burning torch."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ، أَنَّهَا قَالَتْ لأَهْلِهَا أَجْمِرُوا ثِيَابِي إِذَا مِتُّ ثُمَّ حَنِّطُونِي وَلاَ تَذُرُّوا عَلَى كَفَنِي حِنَاطًا وَلاَ تَتْبَعُونِي بِنَارٍ .

USC-MSA web (English) reference : Book 16, Hadith 12
Arabic reference : Book 16, Hadith 534

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi that Abu Hurayra forbade anyone to follow him with a burning torch after his death.

Yahya said, "I heard Malik disapprove of that."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ نَهَى أَنْ يُتْبَعَ، بَعْدَ مَوْتِهِ بِنَارٍ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَكْرَهُ ذَلِكَ .

USC-MSA web (English) reference : Book 16, Hadith 13
Arabic reference : Book 16, Hadith 535

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, announced the death of an Najashi to everyone on the day that he died, and went out with them to the place of prayer, and then formed them into rows and said "Allah is greater" four times.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَعَى النَّجَاشِيَّ لِلنَّاسِ فِي الْيَوْمِ الَّذِي مَاتَ فِيهِ وَخَرَجَ بِهِمْ إِلَى الْمُصَلَّى فَصَفَّ بِهِمْ وَكَبَّرَ أَرْبَعَ تَكْبِيرَاتٍ .

USC-MSA web (English) reference : Book 16, Hadith 14
Arabic reference : Book 16, Hadith 536

Yahya related to me from Malik from Ibn Shihab that Abu Umama ibn Sahl ibn Hunayf told him that once a poor woman fell ill and the Messenger of Allah, may Allah bless him and grant him peace, was told of her illness, and the Messenger of Allah, may Allah bless him and grant him peace, used to visit poor people frequently and ask after them. The Messenger of Allah, may Allah bless him and grant him peace, said, "Let me know if she dies." Her bier was brought out at night- time and they did not want to wake up the Messenger of Allah, may Allah bless him and grant him peace. In the morning the Messenger of Allah, may Allah bless him and grant him peace, was told what had happened to her and he said, "Didn't I tell you to let me know if she died?" They replied, "Messenger of Allah, we did not want to wake you up and make you come out in the night." Then the Messenger of Allah, may Allah bless him and grant him peace, went out and formed everyone into rows by her grave and said "Allah is greater" four times.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي أُمَامَةَ بْنِ سَهْلِ بْنِ حُنَيْفٍ، أَنَّهُ أَخْبَرَهُ أَنَّ مِسْكِينَةً مَرِضَتْ فَأُخْبِرَ رَسُولُ اللَّهِ صلى الله عليه وسلم - بِمَرَضِهَا وَكَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَعُودُ الْمَسَاكِينَ وَيَسْأَلُ عَنْهُمْ - فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِذَا مَاتَتْ فَآذِنُونِي بِهَا " . فَخُرِجَ بِجَنَازَتِهَا لَيْلاً فَكَرِهُوا أَنْ يُوقِظُوا رَسُولَ اللَّهِ صلى الله عليه وسلم فَلَمَّا أَصْبَحَ رَسُولُ اللَّهِ صلى الله عليه وسلم أُخْبِرَ بِالَّذِي كَانَ مِنْ شَأْنِهَا فَقَالَ " أَلَمْ آمُرْكُمْ أَنْ تُؤْذِنُونِي بِهَا " . فَقَالُوا يَا رَسُولَ اللَّهِ كَرِهْنَا أَنْ نُخْرِجَكَ لَيْلاً وَنُوقِظَكَ . فَخَرَجَ رَسُولُ اللَّهِ صلى الله عليه وسلم حَتَّى صَفَّ بِالنَّاسِ عَلَى قَبْرِهَا وَكَبَّرَ أَرْبَعَ تَكْبِيرَاتٍ .

USC-MSA web (English) reference : Book 16, Hadith 15
Arabic reference : Book 16, Hadith 537

Yahya related to me that Malik asked Ibn Shihab about a man who caught some of the takbirs said over the corpse and missed the rest, and Ibn Shihab said, "He completes what he has missed."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ الرَّجُلِ، يُدْرِكُ بَعْضَ التَّكْبِيرِ عَلَى الْجَنَازَةِ وَيَفُوتُهُ بَعْضُهُ فَقَالَ يَقْضِي مَا فَاتَهُ مِنْ ذَلِكَ .

USC-MSA web (English) reference : Book 16, Hadith 16
Arabic reference : Book 16, Hadith 538

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi from his father that he had asked Abu Hurayra, "How do you pray over the dead?" and Abu Hurayra replied, "By the Life of Allah, I will tell you! I follow with the family and when the corpse is put down I say 'Allah is greater' and praise Allah and ask for blessings on His Prophet. Then I say, 'O Allah, he is Your slave and the son of Your male slave and Your female slave. He used to testify that there is no god but You and that Muhammad is Your slave and Your Messenger, and You know that best. O Allah, if he acted well, then increase for him his good action, and if he acted wrongly, then overlook his wrong actions. O Allah, do not deprive us of his reward, and do not try us after him.'"

Allahumma inna huwa abduka wa'bnu abdika wa'bnu amatika. Kana yash-hadu an la ilaha illa ant wa anna Muhammadan abduka wa rasooluka, wa anta alamu bihi. Allahumma in kana muhsinan zid fi ihsanihi, wa in kana musiyan fa tajawaz an sayatihi. Allahumma la tahrimna ajrahu wa lataftina badahu.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِيهِ، أَنَّهُ سَأَلَ أَبَا هُرَيْرَةَ كَيْفَ تُصَلِّي عَلَى الْجَنَازَةِ فَقَالَ أَبُو هُرَيْرَةَ أَنَا لَعَمْرُ اللَّهِ، أُخْبِرُكَ أَتَّبِعُهَا، مِنْ أَهْلِهَا فَإِذَا وُضِعَتْ كَبَّرْتُ وَحَمِدْتُ اللَّهَ وَصَلَّيْتُ عَلَى نَبِيِّهِ ثُمَّ أَقُولُ اللَّهُمَّ إِنَّهُ عَبْدُكَ وَابْنُ عَبْدِكَ وَابْنُ أَمَتِكَ كَانَ يَشْهَدُ أَنْ لاَ إِلَهَ إِلاَّ أَنْتَ وَأَنَّ مُحَمَّدًا عَبْدُكَ وَرَسُولُكَ وَأَنْتَ أَعْلَمُ بِهِ اللَّهُمَّ إِنْ كَانَ مُحْسِنًا فَزِدْ فِي إِحْسَانِهِ وَإِنْ كَانَ مُسِيئًا فَتَجَاوَزْ عَنْ سَيِّئَاتِهِ اللَّهُمَّ لاَ تَحْرِمْنَا أَجْرَهُ وَلاَ تَفْتِنَّا بَعْدَهُ .

USC-MSA web (English) reference : Book 16, Hadith 17
Arabic reference : Book 16, Hadith 539

Yahya related to me from Malik that Yahya ibn Said said that he heard Said ibn al-Musayyab say, "I once prayed behind Abu Hurayra over a child who had never done a wrong action and I heard him say, 'O Allah, give him protection from the torment of the grave.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ صَلَّيْتُ وَرَاءَ أَبِي هُرَيْرَةَ عَلَى صَبِيٍّ لَمْ يَعْمَلْ خَطِيئَةً قَطُّ فَسَمِعْتُهُ يَقُولُ اللَّهُمَّ أَعِذْهُ مِنْ عَذَابِ الْقَبْرِ .

USC-MSA web (English) reference : Book 16, Hadith 18
Arabic reference : Book 16, Hadith 540

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used not to recite when praying over a dead person.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ لاَ يَقْرَأُ فِي الصَّلاَةِ عَلَى الْجَنَازَةِ .

USC-MSA web (English) reference : Book 16, Hadith 19
Arabic reference : Book 16, Hadith 541

Yahya related to me from Malik from Muhammad ibn Abi Harmala, the mawla of Abd ar-Rahman ibn Abi Sufyan ibn Huwaytib, that Zaynab bint Abi Salama died during the time that Tariq was amir of Madina and her bier was

brought out after subh and put in al-Baqi. He said that Tariq used to pray subh right at the beginning of its time. He added, "I heard Abdullah ibn Umar say to the family, 'You can either pray over your dead now or you can wait until the sun comes up.' "

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ أَبِي حَرْمَلَةَ، مَوْلَى عَبْدِ الرَّحْمَنِ بْنِ أَبِي سُفْيَانَ بْنِ حُوَيْطِبٍ أَنَّ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ، تُوُفِّيَتْ - وَطَارِقٌ أَمِيرُ الْمَدِينَةِ - فَأُتِيَ بِجَنَازَتِهَا بَعْدَ صَلاَةِ الصُّبْحِ فَوُضِعَتْ بِالْبَقِيعِ . قَالَ وَكَانَ طَارِقٌ يُغَلِّسُ بِالصُّبْحِ . قَالَ ابْنُ أَبِي حَرْمَلَةَ فَسَمِعْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ يَقُولُ لأَهْلِهَا إِمَّا أَنْ تُصَلُّوا عَلَى جَنَازَتِكُمُ الآنَ وَإِمَّا أَنْ تَتْرُكُوهَا حَتَّى تَرْتَفِعَ الشَّمْسُ .

USC-MSA web (English) reference : Book 16, Hadith 20
Arabic reference : Book 16, Hadith 542

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "The prayer for a dead person can be done after asr and subh if these have been prayed at their times."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، قَالَ يُصَلَّى عَلَى الْجَنَازَةِ بَعْدَ الْعَصْرِ وَبَعْدَ الصُّبْحِ إِذَا صُلِّيَتَا لِوَقْتِهِمَا .

USC-MSA web (English) reference : Book 16, Hadith 21
Arabic reference : Book 16, Hadith 543

Yahya related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Ubaydullah that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, ordered that the body of Sad ibn Abi Waqqas be brought past her in the mosque so that she could make dua for him. Some people disapproved of her doing that, and she said, "How hasty people are! The Messenger of Allah, may Allah bless him and grant him peace, only prayed over Suhayl ibn Bayda in the mosque."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا أَمَرَتْ أَنْ يُمَرَّ عَلَيْهَا بِسَعْدِ بْنِ أَبِي وَقَّاصٍ فِي الْمَسْجِدِ حِينَ مَاتَ لِتَدْعُوَ لَهُ فَأَنْكَرَ ذَلِكَ النَّاسُ عَلَيْهَا فَقَالَتْ عَائِشَةُ مَا أَسْرَعَ النَّاسَ مَا صَلَّى رَسُولُ اللَّهِ صلى الله عليه وسلم عَلَى سُهَيْلِ ابْنِ بَيْضَاءَ إِلاَّ فِي الْمَسْجِدِ .

USC-MSA web (English) reference : Book 16, Hadith 22
Arabic reference : Book 16, Hadith 544

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "The prayer over Umar ibn al-Khattab was done in the mosque."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ صُلِّيَ عَلَى عُمَرَ بْنِ الْخَطَّابِ فِي الْمَسْجِدِ .

USC-MSA web (English) reference : Book 16, Hadith 23
Arabic reference : Book 16, Hadith 545

Yahya related to me from Malik that he had heard that Uthman ibn Affan and Abdullah ibn Umar and Abu Hurayra used to pray over the dead, both men and women, in Madina. They would put the men nearer to the imam and the women nearer to the qibla.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُثْمَانَ بْنَ عَفَّانَ، وَعَبْدَ اللَّهِ بْنَ عُمَرَ، وَأَبَا، هُرَيْرَةَ كَانُوا يُصَلُّونَ عَلَى الْجَنَائِزِ بِالْمَدِينَةِ الرِّجَالِ وَالنِّسَاءِ فَيَجْعَلُونَ الرِّجَالَ مِمَّا يَلِي الإِمَامَ وَالنِّسَاءَ مِمَّا يَلِي الْقِبْلَةَ .

USC-MSA web (English) reference : Book 16, Hadith 24
Arabic reference : Book 16, Hadith 546

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, when he prayed over the dead, would say, "Peace be upon you" loud enough for whoever was near to him to hear.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا صَلَّى عَلَى الْجَنَائِزِ يُسَلِّمُ حَتَّى يُسْمِعَ مَنْ يَلِيهِ .

USC-MSA web (English) reference : Book 16, Hadith 25
Arabic reference : Book 16, Hadith 547

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "No-one should pray over a dead person unless he is in wudu."

Yahya said that he heard Malik say, "I have not seen any person of knowledge disapproving of praying over either a child born of adultery or its mother."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ لاَ يُصَلِّي الرَّجُلُ عَلَى الْجَنَازَةِ إِلاَّ وَهُوَ طَاهِرٌ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ لَمْ أَرَ أَحَدًا مِنْ أَهْلِ الْعِلْمِ يَكْرَهُ أَنْ يُصَلَّى عَلَى وَلَدِ الزِّنَا وَأُمِّهِ .

USC-MSA web (English) reference : Book 16, Hadith 26
Arabic reference : Book 16, Hadith 548

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, died on Monday and was buried on Tuesday and people prayed over him individually with no one leading them. Some people said that he would be buried near the mimbar, and others said that he would be buried in al-Baqi. Abu Bakr as-Siddiq came and said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'No prophet was ever buried except in the place where he died.' "So a grave was dug for him there. When he was about to be washed they wished to take off his shirt but they heard a voice saying "Don't take off his shirt," so they did not take off his shirt and he was washed with it on, may Allah bless him and grant him peace.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم تُوُفِّيَ يَوْمَ الاِثْنَيْنِ وَدُفِنَ يَوْمَ الثُّلاَثَاءِ وَصَلَّى النَّاسُ عَلَيْهِ أَفْذَاذًا لاَ يَؤُمُّهُمْ أَحَدٌ . فَقَالَ نَاسٌ يُدْفَنُ عِنْدَ الْمِنْبَرِ . وَقَالَ آخَرُونَ يُدْفَنُ بِالْبَقِيعِ . فَجَاءَ أَبُو بَكْرٍ الصِّدِّيقُ فَقَالَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " مَا دُفِنَ نَبِيٌّ قَطُّ إِلاَّ فِي مَكَانِهِ الَّذِي تُوُفِّيَ فِيهِ " . فَحُفِرَ لَهُ فِيهِ فَلَمَّا كَانَ عِنْدَ غُسْلِهِ أَرَادُوا نَزْعَ قَمِيصِهِ فَسَمِعُوا صَوْتًا يَقُولُ لاَ تَنْزِعُوا الْقَمِيصَ فَلَمْ يُنْزَعِ الْقَمِيصُ وَغُسِّلَ وَهُوَ عَلَيْهِ صلى الله عليه وسلم .

USC-MSA web (English) reference : Book 16, Hadith 27
Arabic reference : Book 16, Hadith 549

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "There were two men in Madina, one of whom dug graves with a niche in the side wall for the body, and the other who did not, and they said, 'Whichever one comes first can do the job,' and the one who dug graves with a niche came first and dug the Messenger of Allah's grave, may Allah bless him and grant him peace."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ كَانَ بِالْمَدِينَةِ رَجُلاَنِ أَحَدُهُمَا يَلْحَدُ وَالآخَرُ لاَ يَلْحَدُ فَقَالُوا أَيُّهُمَا جَاءَ أَوَّلُ عَمِلَ عَمَلَهُ . فَجَاءَ الَّذِي يَلْحَدُ فَلَحَدَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم .

USC-MSA web (English) reference : Book 16, Hadith 28
Arabic reference : Book 16, Hadith 550

Yahya related to me from Malik that he had heard that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, used to say, "I did not believe that the Messenger of Allah, may Allah bless him and grant him peace, had died until I heard the pickaxes fall."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أُمَّ سَلَمَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تَقُولُ مَا صَدَّقْتُ بِمَوْتِ النَّبِيِّ صلى الله عليه وسلم حَتَّى سَمِعْتُ وَقْعَ الْكَرَازِينِ .

USC-MSA web (English) reference : Book 16, Hadith 29
Arabic reference : Book 16, Hadith 551

Yahya related to me from Malik from Yahya ibn Said that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "I saw three moons fall into my room, and I related my vision to Abu Bakr as-Siddiq. Then, when the Messenger of Allah died, may Allah bless him and grant him peace, and was buried in my house, Abu Bakr said to me, 'This is one of your moons, and he is the best of them.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم قَالَتْ رَأَيْتُ ثَلاَثَةَ أَقْمَارٍ سَقَطْنَ فِي حُجْرَتِي فَقَصَصْتُ رُؤْيَاىَ عَلَى أَبِي بَكْرٍ الصِّدِّيقِ قَالَتْ فَلَمَّا تُوُفِّيَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَدُفِنَ فِي بَيْتِهَا قَالَ لَهَا أَبُو بَكْرٍ هَذَا أَحَدُ أَقْمَارِكِ وَهُوَ خَيْرُهَا .

USC-MSA web (English) reference : Book 16, Hadith 30
Arabic reference : Book 16, Hadith 552

Yahya related to me from Malik from more than one reliable source that Sad ibn Abi Waqqas and Said ibn Zayd ibn Amr ibn Nufayl died at al-Aqiq and were carried to Madina and buried there.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ غَيْرِ، وَاحِدٍ، مِمَّنْ يَثِقُ بِهِ أَنَّ سَعْدَ بْنَ أَبِي وَقَّاصٍ وَسَعِيدَ بْنَ زَيْدِ بْنِ عَمْرِو بْنِ نُفَيْلٍ تُوُفِّيَا بِالْعَقِيقِ وَحُمِلاَ إِلَى الْمَدِينَةِ وَدُفِنَا بِهَا .

USC-MSA web (English) reference : Book 16, Hadith 31
Arabic reference : Book 16, Hadith 553

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "I would not want to be buried in al-Baqi. I would prefer to be buried elsewhere. The one who is buried in al-Baqi is one of two people. Either he is unjust (dhalim), and I would not like to be buried with him, or he is salih, and I would not like his bones to be disturbed for me."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ مَا أُحِبُّ أَنْ أُدْفَنَ، بِالْبَقِيعِ لأَنْ أُدْفَنَ بِغَيْرِهِ أَحَبُّ إِلَيَّ مِنْ أَنْ أُدْفَنَ بِهِ إِنَّمَا هُوَ أَحَدُ رَجُلَيْنِ إِمَّا ظَالِمٌ فَلاَ أُحِبُّ أَنْ أُدْفَنَ مَعَهُ وَإِمَّا صَالِحٌ فَلاَ أُحِبُّ أَنْ تُنْبَشَ لِي عِظَامُهُ .

USC-MSA web (English) reference : Book 16, Hadith 32
Arabic reference : Book 16, Hadith 554

Yahya related to me from Malik from Yahya ibn Said from Wafid ibn Amr ibn Said ibn Muadh from Nafi ibn Jubayr ibn Mutim from Masud ibn al-Hakam from AIi ibn Abi Talib that the Messenger of Allah, may Allah bless him and grant him peace, used to stand up when a funeral procession passed by, and then sit down again afterwards.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ وَاقِدِ بْنِ عَمْرِو بْنِ سَعْدِ بْنِ مُعَاذٍ، عَنْ نَافِعِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ، عَنْ مَسْعُودِ بْنِ الْحَكَمِ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَقُومُ فِي الْجَنَائِزِ ثُمَّ جَلَسَ بَعْدُ ‏.‏

USC-MSA web (English) reference : Book 16, Hadith 33
Arabic reference : Book 16, Hadith 555

ahya related to me from Malik that he had heard that AIi ibn Abi Talib used to rest his head on graves and lie on them.

Malik said, "As far as we can see ,it is only forbidden to sit on graves to relieve oneself."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ، كَانَ يَتَوَسَّدُ الْقُبُورَ وَيَضْطَجِعُ عَلَيْهَا ‏.‏ قَالَ مَالِكٌ وَإِنَّمَا نُهِيَ عَنِ الْقُعُودِ عَلَى الْقُبُورِ فِيمَا نُرَى لِلْمَذَاهِبِ ‏.‏

USC-MSA web (English) reference : Book 16, Hadith 34
Arabic reference : Book 16, Hadith 556

Yahya related to me from Malik from Abu Bakr ibn Uthman ibn Sahl ibn Hunayf that he had heard Abu Umama ibn Sahl ibn Hunayf say, "We used to attend funeral processions, and the last of the people would not sit until they had been given permission ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي بَكْرِ بْنِ عُثْمَانَ بْنِ سَهْلِ بْنِ حُنَيْفٍ، أَنَّهُ سَمِعَ أَبَا أُمَامَةَ بْنَ سَهْلِ بْنِ حُنَيْفٍ، يَقُولُ كُنَّا نَشْهَدُ الْجَنَائِزَ فَمَا يَجْلِسُ آخِرُ النَّاسِ حَتَّى يُؤْذَنُوا ‏.‏

USC-MSA web (English) reference : Book 16, Hadith 35
Arabic reference : Book 16, Hadith 557

Yahya related to me from Malik from Abdullah ibn Abdullah ibn Jabir ibn Atik that Atik ibn al-Harith, the grandfather of Abdullah ibn Abdullah ibn Jabir on his mother's side, told him that Jabir ibn Atik had told him that the Messenger of Allah, may Allah bless him and grant him peace, came to visit Abdullah ibn Thabit and found him in his death-throes. He called to him but he did not reply. The Messenger of Allah, may Allah bless him and grant him peace, said, "We belong to Allah, and to Him we are returning," and added, "You are being taken from us, Abu'r-Rabi." The women cried out and wept, and Jabir began to silence them. The Messenger of Allah, may Allah bless him and grant him peace, said, "Leave them, and when the necessary time comes, none of the women should cry." They said, "Messenger of Allah, what is the necessary time?", and he replied, "When he dies." The dying man's daughter said, "By Allah, I hope that you will be a martyr, for you have completed your preparations for battle," and the Messenger of Allah, may Allah bless him and grant him peace, said, "Allah has made his reward fall according to his intention. What do you consider dying a martyr to be?" They said, "Death in the way of Allah." The Messenger of Allah, may Allah bless him and grant him peace, said, "There are seven kinds of rnartyr other than those killed in the way of Allah. Someone who is killed by the plague is a martyr, someone who drowns is a martyr, someone who dies

of pleurisy is a martyr, someone who dies of a disease of the belly is a martyr, someone who dies by fire is a martyr, someone who dies under a falling building is a martyr and a woman who dies in childbirth is a martyr."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ جَابِرِ بْنِ عَتِيكٍ، عَنْ عَتِيكِ بْنِ الْحَارِثِ - وَهُوَ جَدُّ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ جَابِرٍ أَبُو أُمِّهِ - أَنَّهُ أَخْبَرَهُ أَنَّ جَابِرَ بْنَ عَتِيكٍ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم جَاءَ يَعُودُ عَبْدَ اللَّهِ بْنَ ثَابِتٍ فَوَجَدَهُ قَدْ غُلِبَ عَلَيْهِ فَصَاحَ بِهِ فَلَمْ يُجِبْهُ فَاسْتَرْجَعَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَقَالَ " غُلِبْنَا عَلَيْكَ يَا أَبَا الرَّبِيعِ " . فَصَاحَ النِّسْوَةُ وَبَكَيْنَ فَجَعَلَ جَابِرٌ يُسَكِّتُهُنَّ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " دَعْهُنَّ فَإِذَا وَجَبَ فَلاَ تَبْكِيَنَّ بَاكِيَةٌ " . قَالُوا يَا رَسُولَ اللَّهِ وَمَا الْوُجُوبُ قَالَ " إِذَا مَاتَ " . فَقَالَتِ ابْنَتُهُ وَاللَّهِ إِنْ كُنْتُ لأَرْجُو أَنْ تَكُونَ شَهِيدًا فَإِنَّكَ كُنْتَ قَدْ قَضَيْتَ جِهَازَكَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّ اللَّهَ قَدْ أَوْقَعَ أَجْرَهُ عَلَى قَدْرِ نِيَّتِهِ وَمَا تَعُدُّونَ الشَّهَادَةَ " . قَالُوا الْقَتْلُ فِي سَبِيلِ اللَّهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " الشُّهَدَاءُ سَبْعَةٌ سِوَى الْقَتْلِ فِي سَبِيلِ اللَّهِ الْمَطْعُونُ شَهِيدٌ وَالْغَرِقُ شَهِيدٌ وَصَاحِبُ ذَاتِ الْجَنْبِ شَهِيدٌ وَالْمَبْطُونُ شَهِيدٌ وَالْحَرِقُ شَهِيدٌ وَالَّذِي يَمُوتُ تَحْتَ الْهَدْمِ شَهِيدٌ وَالْمَرْأَةُ تَمُوتُ بِجُمْعٍ شَهِيدٌ " .

USC-MSA web (English) reference : Book 16, Hadith 36
Arabic reference : Book 16, Hadith 558

Yahya related to me from Malik from Abdullah ibn Abi Bakr from his father that Amra bint Abd ar-Rahman told him that she had heard A'isha, the umm al-muminin, say (when it was mentioned to her that Abdullah ibn Umar used to say, "The dead are tormented by the weeping of the living"), "May Allah forgive Abu Abd ar-Rahman. Of course he has not lied, but he has forgotten, or made a mistake. The Messenger of Allah, may Allah bless him and grant him peace, passed by a jewish woman whose family were crying over her and he said, 'You are crying over her, and she is being tormented in her grave. ' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّهَا أَخْبَرَتْهُ أَنَّهَا، سَمِعَتْ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ، تَقُولُ وَذُكِرَ لَهَا أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ يَقُولُ إِنَّ الْمَيِّتَ لَيُعَذَّبُ بِبُكَاءِ الْحَىِّ . فَقَالَتْ عَائِشَةُ يَغْفِرُ اللَّهُ لأَبِي عَبْدِ الرَّحْمَنِ أَمَا إِنَّهُ لَمْ يَكْذِبْ وَلَكِنَّهُ نَسِيَ أَوْ أَخْطَأَ إِنَّمَا مَرَّ رَسُولُ اللَّهِ صلى الله عليه وسلم بِيَهُودِيَّةٍ يَبْكِي عَلَيْهَا أَهْلُهَا فَقَالَ " إِنَّكُمْ لَتَبْكُونَ عَلَيْهَا وَإِنَّهَا لَتُعَذَّبُ فِي قَبْرِهَا " .

USC-MSA web (English) reference : Book 16, Hadith 37
Arabic reference : Book 16, Hadith 559

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "No muslim who has three children die will be touched by the Fire except to fulfil Allah's oath."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَمُوتُ لأَحَدٍ مِنَ الْمُسْلِمِينَ ثَلاَثَةٌ مِنَ الْوَلَدِ فَتَمَسَّهُ النَّارُ إِلاَّ تَحِلَّةَ الْقَسَمِ " .

USC-MSA web (English) reference : Book 16, Hadith 38
Arabic reference : Book 16, Hadith 560

Yahya related to me from Malik from Muhammad ibn Abi Bakr ibn Amr ibn Hazm from his father from Abu'n-Nadr as-Salami that the Messenger of Allah, may Allah bless him and grant him peace, said, "If three of a muslim's children die, and he remains content with that, they will be a protection for him from the Fire." A woman who was with the Messenger of Allah, may Allah bless him and grant him peace, said, "Or two, Messengerof Allah?", and he said, "Or two."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ أَبِي بَكْرِ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ أَبِيهِ، عَنْ أَبِي النَّضْرِ السَّلَمِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَمُوتُ لأَحَدٍ مِنَ الْمُسْلِمِينَ ثَلاَثَةٌ مِنَ الْوَلَدِ فَيَحْتَسِبُهُمْ إِلاَّ كَانُوا جُنَّةً مِنَ النَّارِ " . فَقَالَتِ امْرَأَةٌ عِنْدَ رَسُولِ اللَّهِ صلى الله عليه وسلم يَا رَسُولَ اللَّهِ أَوِ اثْنَانِ قَالَ " أَوِ اثْنَانِ " .

USC-MSA web (English) reference : Book 16, Hadith 39
Arabic reference : Book 16, Hadith 561

Yahya related to me from Malik that he had heard from Abu'l-Hubab Said ibn Yasar from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The mumin continues to be struck by misfortune in his children and close friends until he meets Allah with no wrong actions."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ أَبِي الْحُبَابِ، سَعِيدِ بْنِ يَسَارٍ عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَا يَزَالُ الْمُؤْمِنُ يُصَابُ فِي وَلَدِهِ وَحَامَّتِهِ حَتَّى يَلْقَى اللَّهَ وَلَيْسَتْ لَهُ خَطِيئَةٌ " .

USC-MSA web (English) reference : Book 16, Hadith 40
Arabic reference : Book 16, Hadith 562

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim ibn Muhammad ibn Abi Bakr that the Messenger of Allah, may Allah bless him and grant him peace, said, "Let the misfortune that befalls me be a comfort to the Muslims in their misfortunes."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لِيُعَزِّ الْمُسْلِمِينَ فِي مَصَائِبِهِمُ الْمُصِيبَةُ بِي " .

USC-MSA web (English) reference : Book 16, Hadith 41
Arabic reference : Book 16, Hadith 563

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman from Umm Salama, the wife of the Prophet may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a misfortune befalls some one and he says, as Allah has ordered, 'We belong to Allah and to Him we are returning. O Allah, reward me in my misfortune and give me better than it afterwards,' Allah will do that for him" (Inna lillahi wa inna ilayhi rajiun. Allahumma' jurniy fi musiybatiy, wa a qibhiy khayran minha, illa faala 'llahu dhalika bihi.).

Umm Salama said, "When Abu Salama died I said that, and then I said, 'Who is better than Abu Salama?' " And then Allah left her the Messenger of Allah, may Allah bless him and grant him peace, and he married her.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مَنْ أَصَابَتْهُ مُصِيبَةٌ فَقَالَ كَمَا أَمَرَ اللَّهُ (إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ) اللَّهُمَّ أْجُرْنِي فِي مُصِيبَتِي وَأَعْقِبْنِي خَيْرًا مِنْهَا إِلَّا فَعَلَ

اللَّهُ ذَلِكَ بِهِ قَالَتْ أُمُّ سَلَمَةَ فَلَمَّا تُوُفِّيَ أَبُو سَلَمَةَ قُلْتُ ذَلِكَ ثُمَّ قُلْتُ وَمَنْ خَيْرٌ مِنْ أَبِي سَلَمَةَ فَأَعْقَبَهَا اللَّهُ رَسُولَهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَتَزَوَّجَهَا

USC-MSA web (English) reference : Book 16, Hadith 42
Arabic reference : Book 16, Hadith 564

Yahya related to me from Malik from Yahya ibn Said that al-Qasim ibn Muhammad said, "One of my wives died and Muhammad ibn Kab al Quradhi came to console me about her. He told me of one among the Bani Israil who was a diligent, worshipping, knowing and understanding man who had a wife that he admired and loved, and she died. He grieved over her intensely and lamented her until he withdrew into a house and locked himself in, hidden from everyone, and no-one visited him. A woman heard about him and went to him, saying, 'I need him to give me an opinion. Nothing will satisfy me except what he says about it.' Everyone went away, but she stuck to his door and said, 'I must see him.' Someone said to him, 'There is a woman who wishes to ask your opinion about something,' and she insisted, 'I will only talk to him about it.' When everyone had gone away, and she still had not left his door, he said, 'Let her in.' So she went in and saw him and said, 'I have come to ask your opinion about something.' He said, 'What is it?' She said, 'I borrowed a piece of jewellery from a neighbour of mine, and I have worn it and used it for a long time. Then they sent to me for it. Should I let them have it back?' He said, 'Yes, by Allah.' She said, 'I have had it for a long time.' He said, 'It is more correct for you to return it to them, since they have lent it to you for such a long time.' She said, 'Yes. May Allah have mercy on you. Do you then grieve over what Allah has lent you and then taken from you, when He has a greater right to it than you?' Then he saw the situation he was in, and Allah helped him by her words."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ قَالَ هَلَكَتِ امْرَأَةٌ لِي فَأَتَانِي مُحَمَّدُ بْنُ كَعْبٍ الْقُرَظِيُّ يُعَزِّينِي بِهَا فَقَالَ إِنَّهُ كَانَ فِي بَنِي إِسْرَائِيلَ رَجُلٌ فَقِيهٌ عَالِمٌ عَابِدٌ مُجْتَهِدٌ وَكَانَتْ لَهُ امْرَأَةٌ - وَكَانَ بِهَا مُعْجَبًا وَلَهَا مُحِبًّا - فَمَاتَتْ فَوَجَدَ عَلَيْهَا وَجْدًا شَدِيدًا وَلَقِيَ عَلَيْهَا أَسَفًا حَتَّى خَلاَ فِي بَيْتٍ وَغَلَّقَ عَلَى نَفْسِهِ وَاحْتَجَبَ مِنَ النَّاسِ فَلَمْ يَكُنْ يَدْخُلُ عَلَيْهِ أَحَدٌ وَإِنَّ امْرَأَةً سَمِعَتْ بِهِ فَجَاءَتْهُ فَقَالَتْ إِنَّ لِي إِلَيْهِ حَاجَةً أَسْتَفْتِيهِ فِيهَا لَيْسَ يُجْزِينِي فِيهَا إِلاَّ مُشَافَهَتُهُ فَذَهَبَ النَّاسُ وَلَزِمَتْ بَابَهُ وَقَالَتْ مَا لِي مِنْهُ بُدٌّ . فَقَالَ لَهُ قَائِلٌ إِنَّ هَا هُنَا امْرَأَةً أَرَادَتْ أَنْ تَسْتَفْتِيَكَ وَقَالَتْ إِنْ أَرَدْتُ إِلاَّ مُشَافَهَتَهُ وَقَدْ ذَهَبَ النَّاسُ وَهِيَ لاَ تُفَارِقُ الْبَابَ . فَقَالَ ائْذَنُوا لَهَا . فَدَخَلَتْ عَلَيْهِ فَقَالَتْ إِنِّي جِئْتُكَ أَسْتَفْتِيكَ فِي أَمْرٍ . قَالَ وَمَا هُوَ قَالَتْ إِنِّي اسْتَعَرْتُ مِنْ جَارَةٍ لِي حَلْيًا فَكُنْتُ أَلْبَسُهُ وَأُعِيرُهُ زَمَانًا ثُمَّ إِنَّهُمْ أَرْسَلُوا إِلَيَّ فِيهِ أَفَأُؤَدِّيهِ إِلَيْهِمْ فَقَالَ نَعَمْ وَاللَّهِ . فَقَالَتْ إِنَّهُ قَدْ مَكَثَ عِنْدِي زَمَانًا . فَقَالَ ذَلِكَ أَحَقُّ لِرَدِّكِ إِيَّاهُ إِلَيْهِمْ حِينَ أَعَارُوكِيهِ زَمَانًا . فَقَالَتْ أَىْ يَرْحَمُكَ اللَّهُ أَفَتَأْسَفُ عَلَى مَا أَعَارَكَ اللَّهُ ثُمَّ أَخَذَهُ مِنْكَ وَهُوَ أَحَقُّ بِهِ مِنْكَ فَأَبْصَرَ مَا كَانَ فِيهِ وَنَفَعَهُ اللَّهُ بِقَوْلِهَا .

USC-MSA web (English) reference : Book 16, Hadith 43
Arabic reference : Book 16, Hadith 565

Yahya related to me from Malik that Abu'r-Rijal Muhammad ibn Abd ar-Rahman heard his mother Amra bint Abd ar-Rahman say, "The Messenger of Allah, may Allah bless him and grant him peace, cursed both men and women who dug up," meaning those who dug up graves.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الرِّجَالِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أُمِّهِ، عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ أَنَّهُ سَمِعَهَا تَقُولُ، لَعَنَ رَسُولُ اللَّهِ صلى الله عليه وسلم الْمُخْتَفِيَ وَالْمُخْتَفِيَةَ يَعْنِي نَبَّاشَ الْقُبُورِ .

USC-MSA web (English) reference : Book 16, Hadith 44
Arabic reference : Book 16, Hadith 566

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say, "Breaking the bone of a muslim when he is dead is like breaking it when he is alive." She meant if done in wrong action.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تَقُولُ كَسْرُ عَظْمِ الْمُسْلِمِ مَيْتًا كَكَسْرِهِ وَهُوَ حَيٌّ . تَعْنِي فِي الإِثْمِ .

USC-MSA web (English) reference : Book 16, Hadith 45
Arabic reference : Book 16, Hadith 567

Yahya related to me from Malik from Hisham ibn Urwa from Abbad ibn Abdullah ibn az-Zubayr that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, told him that she had heard the Messenger of Allah, may Allah bless him and grant him peace, say before he died, while he was leaning on her breast and she was listening to him, "O Allah, forgive me and have mercy on me and join me with the highest company."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ عَبَّادِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم أَخْبَرَتْهُ أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ صلى الله عليه وسلم قَبْلَ أَنْ يَمُوتَ وَهُوَ مُسْتَنِدٌ إِلَى صَدْرِهَا وَأَصْغَتْ إِلَيْهِ يَقُولُ " اللَّهُمَّ اغْفِرْ لِي وَارْحَمْنِي وَأَلْحِقْنِي بِالرَّفِيقِ الأَعْلَى " .

USC-MSA web (English) reference : Book 16, Hadith 46
Arabic reference : Book 16, Hadith 568

Yahya related to me from Malik that he heard that A'isha said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'No prophet dies until he is given the choice.' " She continued, "I heard him say ,'O Allah, the highest company,' and I knew that he was going."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَائِشَةَ، قَالَتْ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا مِنْ نَبِيٍّ يَمُوتُ حَتَّى يُخَيَّرَ " . قَالَتْ فَسَمِعْتُهُ يَقُولُ " اللَّهُمَّ الرَّفِيقَ الأَعْلَى " . فَعَرَفْتُ أَنَّهُ ذَاهِبٌ .

USC-MSA web (English) reference : Book 16, Hadith 47
Arabic reference : Book 16, Hadith 569

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you die, your place will be shown to you in the morning and the evening. If you are one of the people of the Garden, then you will be with the people of the Garden, and if you are one of the people of the Fire, then you will be with the people of the Fire. You will be told, 'This is your place of waiting until Allah raises you on the day of rising.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، قَالَ إِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّ أَحَدَكُمْ إِذَا مَاتَ عُرِضَ عَلَيْهِ مَقْعَدُهُ بِالْغَدَاةِ وَالْعَشِيِّ إِنْ كَانَ مِنْ أَهْلِ الْجَنَّةِ فَمِنْ أَهْلِ الْجَنَّةِ وَإِنْ كَانَ مِنْ أَهْلِ النَّارِ فَمِنْ أَهْلِ النَّارِ يُقَالُ لَهُ هَذَا مَقْعَدُكَ حَتَّى يَبْعَثَكَ اللَّهُ إِلَى يَوْمِ الْقِيَامَةِ " .

USC-MSA web (English) reference : Book 16, Hadith 48
Arabic reference : Book 16, Hadith 570

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The earth eats all of the son of Adam except the coccyx. He was created from it, and on it he is built."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " كُلُّ ابْنِ آدَمَ تَأْكُلُهُ الأَرْضُ إِلاَّ عَجْبَ الذَّنَبِ مِنْهُ خُلِقَ وَفِيهِ يُرَكَّبُ " .

USC-MSA web (English) reference : Book 16, Hadith 49
Arabic reference : Book 16, Hadith 571

Yahya related to me from Malik from Ibn Shihab that Abd ar-Rahman ibn Kab ibn Malik al-Ansari told him that his father, Kab ibn Malik, used to relate that the Messenger of Allah, may Allah bless him and grant him peace, said, "The ruh of the mumin is a bird that sits in the trees of the Garden until Allah returns it to his body on the day He raises him ."

وَحَدَّثَنِي عَنْ مَالِك عَنْ ابْنِ شِهَابٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبِ بْنِ مَالِكٍ الْأَنْصَارِيِّ أَنَّهُ أَخْبَرَهُ أَنَّ أَبَاهُ كَعْبَ بْنَ مَالِكٍ كَانَ يُحَدِّثُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِنَّمَا نَسَمَةُ الْمُؤْمِنِ طَيْرٌ يَعْلَقُ فِي شَجَرِ الْجَنَّةِ حَتَّى يَرْجِعَهُ اللَّهُ إِلَى جَسَدِهِ يَوْمَ يَبْعَثُهُ

USC-MSA web (English) reference : Book 16, Hadith 50
Arabic reference : Book 16, Hadith 572

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Allah, the Blessed and Exalted, said, 'If My slave longs to meet Me, I long to meet him, and if he is averse to meeting Me, I am averse to meeting him.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى إِذَا أَحَبَّ عَبْدِي لِقَائِي أَحْبَبْتُ لِقَاءَهُ وَإِذَا كَرِهَ لِقَائِي كَرِهْتُ لِقَاءَهُ " .

USC-MSA web (English) reference : Book 16, Hadith 51
Arabic reference : Book 16, Hadith 573

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A man said to his family that he had never done a good action, and that when he died they were to burn him and then scatter half of him on the land and half of him on the sea, and by Allah, if Allah destined it for him He would punish him with a punishment which He had not punished anyone else with in all the worlds. When the man died, they did as he had told them. Then Allah told the land to collect everything that was in it, and told the sea to collect everything that was in it, and then He said to the man, 'Why did you do this?' and he said, 'From fear of You, Lord, and You know best.' "

Abu Hurayra added, "And He forgave him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " قَالَ رَجُلٌ لَمْ يَعْمَلْ حَسَنَةً قَطُّ لأَهْلِهِ إِذَا مَاتَ فَحَرِّقُوهُ ثُمَّ اذْرُوا نِصْفَهُ فِي الْبَرِّ وَنِصْفَهُ فِي الْبَحْرِ فَوَاللَّهِ لَئِنْ قَدَرَ اللَّهُ عَلَيْهِ لَيُعَذِّبَنَّهُ عَذَابًا لاَ يُعَذِّبُهُ أَحَدًا مِنَ الْعَالَمِينَ . فَلَمَّا مَاتَ الرَّجُلُ فَعَلُوا مَا أَمَرَهُمْ بِهِ فَأَمَرَ اللَّهُ الْبَرَّ فَجَمَعَ مَا فِيهِ وَأَمَرَ الْبَحْرَ فَجَمَعَ مَا فِيهِ ثُمَّ قَالَ لِمَ فَعَلْتَ هَذَا قَالَ مِنْ خَشْيَتِكَ يَا رَبِّ وَأَنْتَ أَعْلَمُ . قَالَ فَغَفَرَ لَهُ " .

USC-MSA web (English) reference : Book 16, Hadith 52
Arabic reference : Book 16, Hadith 574

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Every child is born on the fitra and it is his parents who make him a jew or a christian. Just as a camel is born whole - do you perceive any defect?" They said, "Messenger of Allah, what happens to people who die when they are (very) young?" He said, "Allah knows best what they used to do."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ : " كُلُّ مَوْلُودٍ يُولَدُ عَلَى الْفِطْرَةِ فَأَبَوَاهُ يُهَوِّدَانِهِ أَوْ يُنَصِّرَانِهِ، كَمَا تُنَاتَجُ الإِبِلُ مِنْ بَهِيمَةٍ جَمْعَاءَ هَلْ تُحِسُّ فِيهَا مِنْ جَدْعَاءَ " . قَالُوا : يَا رَسُولَ اللَّهِ أَرَأَيْتَ الَّذِي يَمُوتُ وَهُوَ صَغِيرٌ قَالَ : " اللَّهُ أَعْلَمُ بِمَا كَانُوا عَامِلِينَ " .

USC-MSA web (English) reference : Book 16, Hadith 53
Arabic reference : Book 16, Hadith 575

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The Hour will not come until a man passes by the grave of another and says, 'If only I were in his place.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ : " لاَ تَقُومُ السَّاعَةُ حَتَّى يَمُرَّ الرَّجُلُ بِقَبْرِ الرَّجُلِ فَيَقُولُ يَا لَيْتَنِي مَكَانَهُ " .

USC-MSA web (English) reference : Book 16, Hadith 54
Arabic reference : Book 16, Hadith 576

Yahya related to me from Malik from Muhammad ibn Amr ibn Halhalaad-Dili from Mabad ibn Kab ibn Malik that Abu Qatada ibn Ribi used to relate that a funeral procession passed by the Messenger of Allah, may Allah bless him and grant him peace, and he said, "One is relieved and another others are relieved from." They said, "Who is the one relieved and the one from whom others are relieved?" He said, "A slave who is mumin is the one who is relieved from the exhaustion and suffering of this world to the mercy of Allah, and a wrong-acting slave is the one from whom people, towns, trees and animals are relieved."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَلْحَلَةَ الدِّيلِيِّ، عَنْ مَعْبَدِ بْنِ كَعْبِ بْنِ مَالِكٍ، عَنْ أَبِي قَتَادَةَ بْنِ رِبْعِيٍّ، أَنَّهُ كَانَ يُحَدِّثُ : أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم مُرَّ عَلَيْهِ بِجَنَازَةٍ فَقَالَ : " مُسْتَرِيحٌ وَمُسْتَرَاحٌ مِنْهُ " . قَالُوا : يَا رَسُولَ اللَّهِ مَا الْمُسْتَرِيحُ وَالْمُسْتَرَاحُ مِنْهُ قَالَ : " الْعَبْدُ الْمُؤْمِنُ يَسْتَرِيحُ مِنْ نَصَبِ الدُّنْيَا وَأَذَاهَا إِلَى رَحْمَةِ اللَّهِ، وَالْعَبْدُ الْفَاجِرُ يَسْتَرِيحُ مِنْهُ الْعِبَادُ وَالْبِلاَدُ وَالشَّجَرُ وَالدَّوَابُّ " .

USC-MSA web (English) reference : Book 16, Hadith 55
Arabic reference : Book 16, Hadith 577

Yahya related to me from Malik that Abu'n Nadr, the mawla of Umar ibn Ubaydullah, said that the Messenger of Allah, may Allah bless him and grant him peace, said, when Uthman ibn Madhun's funeral procession passed by him, "You have gone and you were not involved in any of it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ أَنَّهُ قَالَ : قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم لَمَّا مَاتَ عُثْمَانُ بْنُ مَظْعُونٍ وَمُرَّ بِجَنَازَتِهِ : " ذَهَبْتَ وَلَمْ تَلَبَّسْ مِنْهَا بِشَىْءٍ " .

USC-MSA web (English) reference : Book 16, Hadith 56
Arabic reference : Book 16, Hadith 578

Malik related to me from AIqama ibn Abi Alqama that his mother said that she had heard A'isha, the wife of the Prophet, may Allah bless him and grant him peace, say, "The Messenger of Allah, may Allah bless him and grant him peace, rose one night and put on his clothes and then went out. I ordered my slave-girl, Barira, to follow him, and she followed him until he got to al-Baqi. He stood near it as long as Allah willed and then he left. Barira arrived back before him and told me and I did not say anything to him until morning, and then I mentioned it to him and he explained, 'I was sent out to the people of al-Baqi to pray for them.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ عَلْقَمَةَ بْنِ أَبِي عَلْقَمَةَ، عَنْ أُمِّهِ، أَنَّهَا قَالَتْ سَمِعْتُ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم تَقُولُ : قَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم ذَاتَ لَيْلَةٍ فَلَبِسَ ثِيَابَهُ ثُمَّ خَرَجَ - قَالَتْ - فَأَمَرْتُ جَارِيَتِي بَرِيرَةَ تَتْبَعُهُ، فَتَبِعَتْهُ حَتَّى جَاءَ الْبَقِيعَ، فَوَقَفَ فِي أَدْنَاهُ مَا شَاءَ اللَّهُ أَنْ يَقِفَ، ثُمَّ انْصَرَفَ فَسَبَقَتْهُ بَرِيرَةُ فَأَخْبَرَتْنِي، فَلَمْ أَذْكُرْ لَهُ شَيْئًا حَتَّى أَصْبَحَ ثُمَّ ذَكَرْتُ ذَلِكَ لَهُ فَقَالَ : " إِنِّي بُعِثْتُ إِلَى أَهْلِ الْبَقِيعِ لأُصَلِّيَ عَلَيْهِمْ " .

USC-MSA web (English) reference : Book 16, Hadith 57
Arabic reference : Book 16, Hadith 579

Yahya related to me from Malik from Nafi that Abu Hurayra said, "Make your funerals speedy, for it is only good that you are advancing him towards, or evil that you are taking off your necks."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ أَبَا هُرَيْرَةَ، قَالَ : أَسْرِعُوا بِجَنَائِزِكُمْ، فَإِنَّمَا هُوَ خَيْرٌ تُقَدِّمُونَهُ إِلَيْهِ أَوْ شَرٌّ تَضَعُونَهُ عَنْ رِقَابِكُمْ .

USC-MSA web (English) reference : Book 16, Hadith 58
Arabic reference : Book 16, Hadith 580

17 - Zakat كتاب الزكاة

Yahya related to me from Malik from Amr ibn Yahya al-Mazini that his father said that he had heard Abu Said al-Khudri say that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no zakat on less than five camels, there is no zakat on less than five awaq (two hundred dirhams of pure silver) and there is no zakat on less than five awsuq (three hundred sa)."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ، عَنْ أَبِيهِ، أَنَّهُ قَالَ سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ، يَقُولُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم : " لَيْسَ فِيمَا دُونَ خَمْسِ ذَوْدٍ صَدَقَةٌ، وَلَيْسَ فِيمَا دُونَ خَمْسِ أَوَاقٍ صَدَقَةٌ، وَلَيْسَ فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ صَدَقَةٌ " .

USC-MSA web (English) reference : Book 17, Hadith 1
Arabic reference : Book 17, Hadith 581

Yahya related to me from Malik from Muhammad ibn Abdullah ibn Abd arRahman ibn Abi Sasaca al-Ansari from al-Mazini from his father from Abu Said al-Khudri that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no zakat on less than five awsuq of dates, there is no zakat on less than five awaq of silver and there is no zakat on less than five camels."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي صَعْصَعَةَ الأَنْصَارِيِّ، ثُمَّ الْمَازِنِيِّ عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ : " لَيْسَ فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ مِنَ التَّمْرِ صَدَقَةٌ، وَلَيْسَ فِيمَا دُونَ خَمْسِ أَوَاقِيَّ مِنَ الْوَرِقِ صَدَقَةٌ، وَلَيْسَ فِيمَا دُونَ خَمْسِ ذَوْدٍ مِنَ الإِبِلِ صَدَقَةٌ " .

USC-MSA web (English) reference : Book 17, Hadith 2
Arabic reference : Book 17, Hadith 582

Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz wrote to his governor in Damascus about zakat saying, "Zakat is paid on the produce of ploughed land, on gold and silver, and on livestock."
Malik said, "Zakat is only paid on three things:
the produce of ploughed land, gold and silver, and livestock."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ : أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ إِلَى عَامِلِهِ عَلَى دِمَشْقَ فِي الصَّدَقَةِ : إِنَّمَا الصَّدَقَةُ فِي الْحَرْثِ وَالْعَيْنِ وَالْمَاشِيَةِ . قَالَ مَالِكٌ : وَلاَ تَكُونُ الصَّدَقَةُ إِلاَّ فِي ثَلاَثَةِ أَشْيَاءَ : فِي الْحَرْثِ وَالْعَيْنِ وَالْمَاشِيَةِ .

USC-MSA web (English) reference : Book 17, Hadith 3
Arabic reference : Book 17, Hadith 583

Yahya related to me from Malik that Muhammad ibn Uqba, the mawla of az Zubayr, asked al-Qasim ibn Muhammad whether he had to pay any zakat on a large sum given to him by his slave to buy his freedom. Al- Qasim said, "Abu Bakr as-Siddiq did not take zakat from anyone's property until it had been in his possession for a year."

Al- Qasim ibn Muhammad continued, "When Abu Bakr gave men their allowances he would ask them, 'Do you have any property on which zakat is due?' If they said, 'Yes,' he would take the zakat on that property out of their allowances. If they said, 'No,' he would hand over their allowances to them without deducting anything from them."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عُقْبَةَ، مَوْلَى الزُّبَيْرِ : أَنَّهُ سَأَلَ الْقَاسِمَ بْنَ مُحَمَّدٍ عَنْ مُكَاتَبٍ، لَهُ قَاطَعَهُ بِمَالٍ عَظِيمٍ هَلْ عَلَيْهِ فِيهِ زَكَاةٌ فَقَالَ الْقَاسِمُ : إِنَّ أَبَا بَكْرٍ الصِّدِّيقَ لَمْ يَكُنْ يَأْخُذُ مِنْ مَالٍ زَكَاةً حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ . قَالَ الْقَاسِمُ بْنُ مُحَمَّدٍ : وَكَانَ أَبُو بَكْرٍ إِذَا أَعْطَى النَّاسَ أَعْطِيَاتِهِمْ يَسْأَلُ الرَّجُلَ هَلْ عِنْدَكَ مِنْ مَالٍ وَجَبَتْ عَلَيْكَ فِيهِ الزَّكَاةُ فَإِذَا قَالَ : نَعَمْ، أَخَذَ مِنْ عَطَائِهِ زَكَاةَ ذَلِكَ الْمَالِ، وَإِنْ قَالَ : لاَ، أَسْلَمَ إِلَيْهِ عَطَاءَهُ وَلَمْ يَأْخُذْ مِنْهُ شَيْئًا .

USC-MSA web (English) reference : Book 17, Hadith 4
Arabic reference : Book 17, Hadith 584

Yahya related to me from Malik from Urwa ibn Husayn from A'isha bint Qudama that her father said, "When I used to come to Uthman ibn Affan to collect my allowance he would ask me, 'Do you have any property on which zakat is due? 'If I said, 'Yes,' he would deduct the zakat on that property from my allowance, and if I said, 'No,' he would pay me my allowance (in full)."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عُمَرَ بْنِ حُسَيْنٍ، عَنْ عَائِشَةَ بِنْتِ قُدَامَةَ، عَنْ أَبِيهَا، أَنَّهُ قَالَ : كُنْتُ إِذَا جِئْتُ عُثْمَانَ بْنَ عَفَّانَ أَقْبِضُ عَطَائِي سَأَلَنِي : هَلْ عِنْدَكَ مِنْ مَالٍ وَجَبَتْ عَلَيْكَ فِيهِ الزَّكَاةُ قَالَ فَإِنْ قُلْتُ : نَعَمْ أَخَذَ مِنْ عَطَائِي زَكَاةَ ذَلِكَ الْمَالِ، وَإِنْ قُلْتُ : لاَ، دَفَعَ إِلَيَّ عَطَائِي .

USC-MSA web (English) reference : Book 17, Hadith 5
Arabic reference : Book 17, Hadith 585

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Zakat does not have to be paid on property until a year has elapsed over it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ : لاَ تَجِبُ فِي مَالٍ زَكَاةٌ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ .

USC-MSA web (English) reference : Book 17, Hadith 6
Arabic reference : Book 17, Hadith 586

Yahya related to me from Malik that Ibn Shihab said, "The first person to deduct zakat from allowances was Muawiya ibn Abi Sufyan." (i.e. the deduction being made automatically) .

Malik said, "The agreed sunna with us is that zakat has to be paid on twenty dinars (of gold coin), in the same way as it has to be paid on two hundred dirhams (of silver)."
Malik said, "There is no zakat to pay on (gold) that is clearly less than twenty dinars (in weight) but if it increases so that by the increase the amount reaches a full twenty dinars in weight then zakat has to be paid. Similarly, there is no zakat to pay on (silver) that is clearly less than two hundred dirhams (in weight), but if it increases so that by the increase the amount reaches a full two hundred dirhams in weight then zakat has to be paid. If it passes the full weight then I think there is zakat to pay, whether it be dinars or dirhams." (i.e. the zakat is assessed by the weight and not the number of the coins.)
Malik said, about a man who had one hundred and sixty dirhams by weight, and the exchange rate in his town was eight dirhams to a dinar, that he did not have to pay any zakat. Zakat had only to be paid on twenty dinars of gold or two hundred dirhams.
Malik said, in the case of a man who acquired five dinars from a transaction or in some other way which he then invested in trade, that, as soon as it increased to a zakatable amount and then a year elapsed, he had to pay zakat on

it, even if the zakatable amount was reached one day before or one day after the passing of a year. There was then no zakat to pay on it from the day the zakat was taken until a year had elapsed over it.

Malik said, in the similar case of a man who had in his possession ten dinars which he invested in trade and which reached twenty dinars by the time one year had elapsed over them, that he paid zakat on them right then and did not wait until a year had elapsed over them, (counting) from the day when they actually reached the zakatable amount. This was because a year had elapsed over the original dinars and there were now twenty of them in his possession. After that there was no zakat to pay on them from the day the zakat was paid until another year had elapsed over them.

Malik said, "What we are agreed upon (here in Madina) regarding income from hiring out slaves, rent from property, and the sums received when a slave buys his freedom, is that no zakat is due on any of it, whether great or small, from the day the owner takes possession of it until a year has elapsed over it from the day when the owner takes possession of it."

Malik said, in the case of gold and silver which was shared between two co-owners, that zakat was due from any one whose share reached twenty dinars of gold, or two hundred dirhams of silver, and that no zakat was due from anyone whose share fell short of this zakatable amount. If all the shares reached the zakatable amount and the shares were not equally divided, zakat was taken from each man according to the measure of his share. This applied only when the share of each man among them reached the zakatable amount, because the Messenger of Allah, may Allah bless him and grant him peace, had said, "There is no zakat to pay on less than five awaq of silver."

Malik commented, "This is what I prefer most out of what I have heard about the matter."

Malik said, "When a man has gold and silver dispersed among various people he must add it all up together and then take out the zakat due on the total sum ."

Malik said, "No zakat is due from some one who acquires gold or silver until a year has elapsed over his acquisition from the day it became his."

وحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ : أَوَّلُ مَنْ أَخَذَ مِنَ الأَعْطِيَةِ الزَّكَاةَ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ . قَالَ مَالِكٌ : السُّنَّةُ الَّتِي لاَ اخْتِلاَفَ فِيهَا عِنْدَنَا أَنَّ الزَّكَاةَ تَجِبُ فِي عِشْرِينَ دِينَارًا عَيْنًا كَمَا تَجِبُ فِي مِائَتَىْ دِرْهَمٍ . قَالَ مَالِكٌ : لَيْسَ فِي عِشْرِينَ دِينَارًا نَاقِصَةً بَيِّنَةَ النُّقْصَانِ زَكَاةٌ، فَإِنْ زَادَتْ حَتَّى تَبْلُغَ بِزِيَادَتِهَا عِشْرِينَ دِينَارًا وَازِنَةً فَفِيهَا الزَّكَاةُ، وَلَيْسَ فِيمَا دُونَ عِشْرِينَ دِينَارًا عَيْنًا الزَّكَاةُ، وَلَيْسَ فِي مِائَتَىْ دِرْهَمٍ نَاقِصَةً بَيِّنَةَ النُّقْصَانِ زَكَاةٌ، فَإِنْ زَادَتْ حَتَّى تَبْلُغَ بِزِيَادَتِهَا مِائَتَىْ دِرْهَمٍ وَافِيَةً فَفِيهَا الزَّكَاةُ، فَإِنْ كَانَتْ تَجُوزُ بِجَوَازِ الْوَازِنَةِ رَأَيْتُ فِيهَا الزَّكَاةَ دَنَانِيرَ كَانَتْ أَوْ دَرَاهِمَ . قَالَ مَالِكٌ فِي رَجُلٍ كَانَتْ عِنْدَهُ سِتُّونَ وَمِائَةُ دِرْهَمٍ وَازِنَةً وَصَرْفُ الدَّرَاهِمِ بِبَلَدِهِ ثَمَانِيَةُ دَرَاهِمَ بِدِينَارٍ : أَنَّهَا لاَ تَجِبُ فِيهَا الزَّكَاةُ، وَإِنَّمَا تَجِبُ الزَّكَاةُ فِي عِشْرِينَ دِينَارًا عَيْنًا أَوْ مِائَتَىْ دِرْهَمٍ . قَالَ مَالِكٌ فِي رَجُلٍ كَانَتْ لَهُ خَمْسَةُ دَنَانِيرَ مِنْ فَائِدَةٍ أَوْ غَيْرِهَا، فَتَجَرَ فِيهَا فَلَمْ يَأْتِ الْحَوْلُ حَتَّى بَلَغَتْ مَا تَجِبُ فِيهِ الزَّكَاةُ : أَنَّهُ يُزَكِّيهَا وَإِنْ لَمْ تَتِمَّ إِلاَّ قَبْلَ أَنْ يَحُولَ عَلَيْهَا الْحَوْلُ بِيَوْمٍ وَاحِدٍ، أَوْ بَعْدَ مَا يَحُولُ عَلَيْهَا الْحَوْلُ بِيَوْمٍ وَاحِدٍ، ثُمَّ لاَ زَكَاةَ فِيهَا حَتَّى يَحُولَ عَلَيْهَا الْحَوْلُ مِنْ يَوْمَ زُكِّيَتْ . وَقَالَ مَالِكٌ فِي رَجُلٍ كَانَتْ لَهُ عَشَرَةُ دَنَانِيرَ فَتَجَرَ فِيهَا فَحَالَ عَلَيْهَا الْحَوْلُ وَقَدْ بَلَغَتْ عِشْرِينَ دِينَارًا : أَنَّهُ يُزَكِّيهَا مَكَانَهَا وَلاَ يَنْتَظِرُ بِهَا أَنْ يَحُولَ عَلَيْهَا الْحَوْلُ مِنْ يَوْمَ بَلَغَتْ مَا تَجِبُ فِيهِ الزَّكَاةُ لأَنَّ الْحَوْلَ قَدْ حَالَ عَلَيْهَا وَهِيَ عِنْدَهُ عِشْرُونَ ثُمَّ لاَ زَكَاةَ فِيهَا حَتَّى يَحُولَ عَلَيْهَا الْحَوْلُ مِنْ يَوْمَ زُكِّيَتْ قَالَ مَالِك الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا فِي إِجَارَةِ الْعَبِيدِ وَخَرَاجِهِمْ وَكِرَاءِ الْمَسَاكِينِ وَكِتَابَةِ الْمُكَاتَبِ أَنَّهُ لاَ تَجِبُ فِي شَيْءٍ مِنْ ذَلِكَ الزَّكَاةُ قَلَّ ذَلِكَ أَوْ كَثُرَ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ مِنْ يَوْمِ يَقْبِضُهُ صَاحِبُهُ. وَقَالَ مَالِك فِي الذَّهَبِ وَالْوَرِقِ يَكُونُ بَيْنَ الشُّرَكَاءِ إِنَّ مَنْ بَلَغَتْ حِصَّتُهُ مِنْهُمْ عِشْرِينَ دِينَارًا عَيْنًا أَوْ مِائَتَيْ دِرْهَمٍ فَعَلَيْهِ فِيهَا الزَّكَاةُ وَمَنْ نَقَصَتْ حِصَّتُهُ عَمَّا تَجِبُ فِيهِ الزَّكَاةُ فَلاَ زَكَاةَ عَلَيْهِ وَإِنْ بَلَغَتْ حِصَصُهُمْ جَمِيعًا مَا تَجِبُ فِيهِ الزَّكَاةُ وَكَانَ بَعْضُهُمْ فِي

ذَلِكَ أَفْضَلَ نَصِيبًا مِنْ بَعْضٍ أُخِذَ مِنْ كُلِّ إِنْسَانٍ مِنْهُمْ بِقَدْرِ حِصَّتِهِ إِذَا كَانَ فِي حِصَّةِ كُلِّ إِنْسَانٍ مِنْهُمْ مَا تَجِبُ فِيهِ الزَّكَاةُ وَذَلِكَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَيْسَ فِيمَا دُونَ خَمْسِ أَوَاقٍ مِنْ الْوَرِقِ صَدَقَةٌ قَالَ مَالِك وَهَذَا أَحَبُّ مَا سَمِعْتُ إِلَيَّ فِي ذَلِكَ قَالَ مَالِك وَإِذَا كَانَتْ لِرَجُلٍ ذَهَبٌ أَوْ وَرِقٌ مُتَفَرِّقَةٌ بِأَيْدِي أُنَاسٍ شَتَّى فَإِنَّهُ يَنْبَغِي لَهُ أَنْ يُحْصِيَهَا جَمِيعًا ثُمَّ يُخْرِجَ مَا وَجَبَ عَلَيْهِ مِنْ زَكَاتِهَا كُلِّهَا قَالَ مَالِك وَمَنْ أَفَادَ ذَهَبًا أَوْ وَرِقًا إِنَّهُ لَا زَكَاةَ عَلَيْهِ فِيهَا حَتَّى يَحُولَ عَلَيْهَا الْحَوْلُ مِنْ يَوْمَ أَفَادَهَا

USC-MSA web (English) reference : Book 17, Hadith 7
Arabic reference : Book 17, Hadith 587

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman from more than one source that the Messenger of Allah, may Allah bless him and grant him peace, assigned the mines of al Qabaliyya, which is in the direction of al-Fur, to Bilal ibn Harith al-Mazini, and nothing has been taken from them up to this day except zakat.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ غَيْرِ، وَاحِدٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَطَعَ لِبِلاَلِ بْنِ الْحَارِثِ الْمُزَنِيِّ مَعَادِنَ الْقَبَلِيَّةِ - وَهِيَ مِنْ نَاحِيَةِ الْفُرْعِ - فَتِلْكَ الْمَعَادِنُ لاَ يُؤْخَذُ مِنْهَا إِلَى الْيَوْمِ إِلاَّ الزَّكَاةُ .

USC-MSA web (English) reference : Book 17, Hadith 8
Arabic reference : Book 17, Hadith 588

Malik said, "In my opinion, and Allah knows best, nothing is taken from what comes out of mines until what comes out of them reaches a value of twenty gold dinars or two hundred silver dirhams. When it reaches that amount there is zakat to pay on it where it is on the spot. Zakat is levied on anything over that, according to how much of it there is as long as there continues to be a supply from the mine. If the vein runs out, and then after a while more becomes obtainable, the new supply is dealt with in the same way as the first, and payment of zakat on it is begun on it as it was begun on the first.

Malik said, "Mines are dealt with like crops, and the same procedure is applied to both. Zakat is deducted from what comes out of a mine on the day it comes out, without waiting for a year, just as a tenth is taken from a crop at the time it is harvested, without waiting for a year to elapse over it."

USC-MSA web (English) reference : Book 17, Hadith 8

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab and from Abu Salama ibn Abd ar-Rahman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace ,said, "There is a tax of a fifth on buried treasure."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَعَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " فِي الرِّكَازِ الْخُمُسُ " .

USC-MSA web (English) reference : Book 17, Hadith 9
Arabic reference : Book 17, Hadith 589

Malik said, "The position which we are agreed upon, and which I have heard the people of knowledge mentioning, is that rikaz refers to treasure which has been found which was buried during the jahiliyya, as long as neither capital is required, nor expense, great labour or inconvenience incurred in recovering it. If capital is required or great labour is incurred, or on one occasion the mark is hit and on another it is missed, then it is not rikaz."

USC-MSA web (English) reference : Book 17, Hadith 9

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to look after the orphaned daughters of her brother in her house. They had jewellery (which they wore) and she did not take zakat from this jewellery of theirs.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تَلِي بَنَاتِ أَخِيهَا يَتَامَى فِي حَجْرِهَا لَهُنَّ الْحَلْىُ فَلاَ تُخْرِجُ مِنْ حُلِيِّهِنَّ الزَّكَاةَ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 10
Arabic reference : Book 17, Hadith 590

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to adorn his daughters and slave-girls with gold jewellery and he did not take any zakat from their jewellery.

Malik said, "Anyone who has unminted gold or silver, or gold and silver jewellery which is not used for wearing, must pay zakat on it every year. It is weighed and one-fortieth is taken, unless it falls short of twenty dinars of gold or two hundred dirhams of silver, in which case there is no zakat to pay. Zakat is paid only when jewellery is kept for purposes other than wearing. Bits of gold and silver or broken jewellery which the owner intends to mend to wear are in the same position as goods which are worn by their owner - no zakat has to be paid on them by the owner."
Malik said, "There is no zakat (to pay) on pearls, musk or amber."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُحَلِّي بَنَاتِهِ وَجَوَارِيَهُ الذَّهَبَ ثُمَّ لاَ يُخْرِجُ مِنْ حُلِيِّهِنَّ الزَّكَاةَ ‏.‏ قَالَ مَالِكٌ مَنْ كَانَ عِنْدَهُ تِبْرٌ أَوْ حَلْىٌ مِنْ ذَهَبٍ أَوْ فِضَّةٍ لاَ يُنْتَفَعُ بِهِ لِلُبْسٍ فَإِنَّ عَلَيْهِ فِيهِ الزَّكَاةَ فِي كُلِّ عَامٍ يُوزَنُ فَيُؤْخَذُ رُبُعُ عُشْرِهِ إِلاَّ أَنْ يَنْقُصَ مِنْ وَزْنِ عِشْرِينَ دِينَارًا عَيْنًا أَوْ مِائَتَىْ دِرْهَمٍ فَإِنْ نَقَصَ مِنْ ذَلِكَ فَلَيْسَ فِيهِ زَكَاةٌ وَإِنَّمَا تَكُونُ فِيهِ الزَّكَاةُ إِذَا كَانَ إِنَّمَا يُمْسِكُهُ لِغَيْرِ اللُّبْسِ فَأَمَّا التِّبْرُ وَالْحُلِيُّ الْمَكْسُورُ الَّذِي يُرِيدُ أَهْلُهُ إِصْلاَحَهُ وَلُبْسَهُ فَإِنَّمَا هُوَ بِمَنْزِلَةِ الْمَتَاعِ الَّذِي يَكُونُ عِنْدَ أَهْلِهِ فَلَيْسَ عَلَى أَهْلِهِ فِيهِ زَكَاةٌ ‏.‏ قَالَ مَالِكٌ لَيْسَ فِي اللُّؤْلُؤِ وَلاَ فِي الْمِسْكِ وَلاَ الْعَنْبَرِ زَكَاةٌ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 11
Arabic reference : Book 17, Hadith 591

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab said, "Trade with the property of orphans and then it will not be eaten away by zakat."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ اتَّجِرُوا فِي أَمْوَالِ الْيَتَامَى لاَ تَأْكُلُهَا الزَّكَاةُ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 12
Arabic reference : Book 17, Hadith 592

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that his father said, "A'isha used to look after me and one of my brothers - we were orphans - in her house, and she would take the zakat from our property."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّهُ قَالَ كَانَتْ عَائِشَةُ تَلِينِي وَأَخًا لِي يَتِيمَيْنِ فِي حَجْرِهَا فَكَانَتْ تُخْرِجُ مِنْ أَمْوَالِنَا الزَّكَاةَ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 13
Arabic reference : Book 17, Hadith 593

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to give the property of the orphans that were in her house to whoever would use it to trade with on their behalf.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تُعْطِي أَمْوَالَ الْيَتَامَى الَّذِينَ فِي حَجْرِهَا مَنْ يَتَّجِرُ لَهُمْ فِيهَا .

USC-MSA web (English) reference : Book 17, Hadith 14
Arabic reference : Book 17, Hadith 594

Yahya related to me from Malik that Yahya ibn Said bought some property on behalf of his brother's sons who were orphans in his house, and that that property was sold afterwards for a great deal of profit.

Malik said, "There is no harm in using the property of orphans to trade with on their behalf if the one in charge of them has permission. Furthermore, I do not think that he is under any liability."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ اشْتَرَى لِبَنِي أَخِيهِ - يَتَامَى فِي حَجْرِهِ - مَالاً فَبِيعَ ذَلِكَ الْمَالُ بَعْدُ بِمَالٍ كَثِيرٍ . قَالَ مَالِكٌ لاَ بَأْسَ بِالتِّجَارَةِ فِي أَمْوَالِ الْيَتَامَى لَهُمْ إِذَا كَانَ الْوَلِيُّ مَأْذُونًا فَلاَ أَرَى عَلَيْهِ ضَمَانًا .

USC-MSA web (English) reference : Book 17, Hadith 15
Arabic reference : Book 17, Hadith 595

Yahya related to me that Malik said, "I consider that if a man dies and he has not paid zakat on his property, then zakat is taken from the third of his property (from which he can make bequests), and the third is not exceeded and the zakat is given priority over bequests. In my opinion it is the same as if he had a debt, which is why I think it should be given priority over bequests."

Malik continued, "This applies if the deceased has asked for the zakat to be deducted. If the deceased has not asked for it to be deducted but his family do so then that is good, but it is not binding upon them if they do not do it."
Malik continued, "The sunna which we are all agreed upon is that zakat is not due from someone who inherits a debt (i.e. wealth that was owed to the deceased), or goods, or a house, or a male or female slave, until a year has elapsed over the price realised from whatever he sells (i.e. slaves or a house, which are not zakatable) or over the wealth he inherits, from the day he sold the things, or took possession of them."
Malik said, "The sunna with us is that zakat does not have to be paid on wealth that is inherited until a year has elapsed over it."

USC-MSA web (English) reference : Book 17, Hadith 16

Yahya related to me from Malik from Ibn Shihab from as-Sa'ib ibn Yazid that Uthman ibn Affan used to say, "This is the month for you to pay your zakat. If you have any debts then pay them off so that you can sort out your wealth and take the zakat from it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ السَّائِبِ بْنِ يَزِيدَ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، كَانَ يَقُولُ هَذَا شَهْرُ زَكَاتِكُمْ فَمَنْ كَانَ عَلَيْهِ دَيْنٌ فَلْيُؤَدِّ دَيْنَهُ حَتَّى تَحْصُلَ أَمْوَالُكُمْ فَتُؤَدُّونَ مِنْهُ الزَّكَاةَ .

USC-MSA web (English) reference : Book 17, Hadith 17
Arabic reference : Book 17, Hadith 596

Yahya related to me from Malik from Ayyub ibn Abi Tamima as- Sakhtayani that Umar ibn Abd al-Aziz, when writing about wealth that one of his governors had collected unjustly, ordered it to be returned to its owner and zakat to be taken from it for the years that had passed. Then shortly afterwards he revised his order with a message that zakat should only be taken from it once, since it was not wealth in hand.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ أَبِي تَمِيمَةَ السَّخْتِيَانِيِّ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ فِي مَالٍ قَبَضَهُ بَعْضُ الْوُلاَةِ ظُلْمًا يَأْمُرُ بِرَدِّهِ إِلَى أَهْلِهِ وَيُؤْخَذُ زَكَاتُهُ لِمَا مَضَى مِنَ السِّنِينَ ثُمَّ عَقَّبَ بَعْدَ ذَلِكَ بِكِتَابٍ أَنْ لاَ يُؤْخَذُ مِنْهُ إِلاَّ زَكَاةٌ وَاحِدَةٌ فَإِنَّهُ كَانَ ضِمَارًا ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 18
Arabic reference : Book 17, Hadith 597

Yahya related to me from Malik from Yazid ibn Khusayfa that he had asked Sulayman ibn Yasar whether zakat was due from a man who had wealth in hand but also owed a debt for the same amount, and he replied, "No."

Malik said, "The position that we are agreed upon concerning a debt is that the lender of it does not pay zakat on it until he gets it back. Even if it stays with the borrower for a number of years before the lender collects it, the lender only has to pay zakat on it once. If he collects an amount of the debt which is not zakatable, and has other wealth which is zakatable, then what he has collected of the debt is added to the rest of his wealth and he pays zakat on the total sum."

Malik continued, "If he has no ready money other than that which he has collected from his debt, and that does not reach a zakatable amount, then he does not have to pay any zakat. He must, however, keep a record of the amount that he has collected and if, later, he collects another amount which, when added to what he has already collected, brings zakat into effect, then he has to pay zakat on it."
Malik continued, "Zakat is due on this first amount, together with what he has further collected of the debt owed to him, regardless of whether or not he has used up what he first collected. If what he takes back reaches twenty dinars of gold, or two hundred dirhams of silver he pays zakat on it. He pays zakat on anything else he takes back afte rthat, whether it be a large or small amount, according to the amount."
Malik said, "What shows that zakat is only taken once from a debt which is out of hand for some years before it is recovered is that if goods remain with a man for trading purposes for some years before he sells them, he only has to pay zakat on their prices once. This is because the one who is owed the debt, or owns the goods, should not have to take the zakat on the debt, or the goods, from anything else, since the zakat on anything is only taken from the thing itself, and not from anything else."
Malik said, "Our position regarding some onewho owes a debt, and has goods which are worth enough to pay off the debt, and also has an amount of ready money which is zakatable, is that he pays the zakat on the ready money which he has to hand. If, however, he only has enough goods and ready money to pay off the debt, then he does not have to pay any zakat. But if the ready money that he has reaches a zakatable amount over and above the amount of the debt that he owes, then he must pay zakat on it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ خُصَيْفَةَ، أَنَّهُ سَأَلَ سُلَيْمَانَ بْنَ يَسَارٍ عَنْ رَجُلٍ، لَهُ مَالٌ وَعَلَيْهِ دَيْنٌ مِثْلُهُ أَعَلَيْهِ زَكَاةٌ فَقَالَ لاَ ‏.‏ قَالَ مَالِكٌ الأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا فِي الدَّيْنِ أَنَّ صَاحِبَهُ لاَ يُزَكِّيهِ حَتَّى يَقْبِضَهُ وَإِنْ أَقَامَ عِنْدَ الَّذِي هُوَ عَلَيْهِ سِنِينَ ذَوَاتِ عَدَدٍ ثُمَّ قَبَضَهُ صَاحِبُهُ لَمْ تَجِبْ عَلَيْهِ إِلاَّ زَكَاةٌ وَاحِدَةٌ فَإِنْ قَبَضَ مِنْهُ شَيْئًا لاَ تَجِبُ فِيهِ الزَّكَاةُ فَإِنَّهُ إِنْ كَانَ لَهُ مَالٌ سِوَى الَّذِي قُبِضَ تَجِبُ فِيهِ الزَّكَاةُ فَإِنَّهُ يُزَكَّى مَعَ مَا قَبَضَ مِنْ دَيْنِهِ ذَلِكَ ‏.‏ قَالَ وَإِنْ لَمْ يَكُنْ لَهُ نَاضٌّ غَيْرُ الَّذِي اقْتَضَى مِنْ دَيْنِهِ وَكَانَ الَّذِي اقْتَضَى مِنْ دَيْنِهِ لاَ تَجِبُ فِيهِ الزَّكَاةُ فَلاَ زَكَاةَ عَلَيْهِ فِيهِ وَلَكِنْ لِيَحْفَظْ عَدَدَ مَا اقْتَضَى فَإِنِ اقْتَضَى بَعْدَ ذَلِكَ عَدَدَ مَا تَتِمُّ بِهِ الزَّكَاةُ مَعَ مَا قَبَضَ قَبْلَ ذَلِكَ فَعَلَيْهِ فِيهِ الزَّكَاةُ ‏.‏ قَالَ فَإِنْ كَانَ قَدِ اسْتَهْلَكَ مَا اقْتَضَى أَوَّلاً أَوْ لَمْ يَسْتَهْلِكْهُ فَالزَّكَاةُ وَاجِبَةٌ عَلَيْهِ مَعَ مَا اقْتَضَى مِنْ

دَيْنِهِ فَإِذَا بَلَغَ مَا اقْتَضَى عِشْرِينَ دِينَارًا عَيْنًا أَوْ مِائَتَىْ دِرْهَمٍ فَعَلَيْهِ فِيهِ الزَّكَاةُ ثُمَّ مَا اقْتَضَى بَعْدَ ذَلِكَ مِنْ قَلِيلٍ أَوْ كَثِيرٍ فَعَلَيْهِ الزَّكَاةُ بِحَسَبِ ذَلِكَ . قَالَ مَالِكٌ وَالدَّلِيلُ عَلَى الدَّيْنِ يَغِيبُ أَعْوَامًا ثُمَّ يُقْتَضَى فَلاَ يَكُونُ فِيهِ إِلاَّ زَكَاةٌ وَاحِدَةٌ أَنَّ الْعُرُوضَ تَكُونُ عِنْدَ الرَّجُلِ لِلتِّجَارَةِ أَعْوَامًا ثُمَّ يَبِيعُهَا فَلَيْسَ عَلَيْهِ فِي أَثْمَانِهَا إِلاَّ زَكَاةٌ وَاحِدَةٌ وَذَلِكَ أَنَّهُ لَيْسَ عَلَى صَاحِبِ الدَّيْنِ أَوِ الْعُرُوضِ أَنْ يُخْرِجَ زَكَاةَ ذَلِكَ الدَّيْنِ أَوِ الْعُرُوضِ مِنْ مَالٍ سِوَاهُ وَإِنَّمَا يُخْرِجُ زَكَاةَ كُلِّ شَىْءٍ مِنْهُ وَلاَ يُخْرِجُ الزَّكَاةَ مِنْ شَىْءٍ عَنْ شَىْءٍ غَيْرِهِ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الرَّجُلِ يَكُونُ عَلَيْهِ دَيْنٌ وَعِنْدَهُ مِنَ الْعُرُوضِ مَا فِيهِ وَفَاءٌ لِمَا عَلَيْهِ مِنَ الدَّيْنِ وَيَكُونُ عِنْدَهُ مِنَ النَّاضِّ سِوَى ذَلِكَ مَا تَجِبُ فِيهِ الزَّكَاةُ فَإِنَّهُ يُزَكِّي مَا بِيَدِهِ مِنْ نَاضٍّ تَجِبُ فِيهِ الزَّكَاةُ وَإِنْ لَمْ يَكُنْ عِنْدَهُ مِنَ الْعُرُوضِ وَالنَّقْدِ إِلاَّ وَفَاءُ دَيْنِهِ فَلاَ زَكَاةَ عَلَيْهِ حَتَّى يَكُونَ عِنْدَهُ مِنَ النَّاضِّ فَضْلٌ عَنْ دَيْنِهِ مَا تَجِبُ فِيهِ الزَّكَاةُ فَعَلَيْهِ أَنْ يُزَكِّيَهُ .

USC-MSA web (English) reference : Book 17, Hadith 19
Arabic reference : Book 17, Hadith 598

Yahya related to me from Malik from Yahya ibn Said that Zurayq ibn Hayyan, who was in charge of Egypt in the time of al-Walid, Sulayman, and Umar ibn Abd al-'Aziz, mentioned that Umar ibn Abd al- Aziz had written to him saying, "Assess the muslims that you come across and take from what is apparent of their wealth and whatever merchandise is in their charge, one dinar for every forty dinars, and the same proportion from what is less than that down to twenty dinars, and if the amount falls short of that by one third of a dinar then leave it and do not take anything from it. As for the people of the Book that you come across, take from the merchandise in their charge one dinar for every twenty dinars, and the same proportion from what is less than that down to ten dinars, and if the amount falls short by one third of a dinar leave it and do not take anything from it. Give them a receipt for what you have taken f rom them until the same time next year."

Malik said, "The position among us (in Madina) concerning goods which are being managed for trading purposes is that if a man pays zakat on his wealth, and then buys goods with it, whether cloth, slaves or something similar, and then sells them before a year has elapsed over them, he does not pay zakat on that wealth until a year elapses over it from the day he paid zakat on it. He does not have to pay zakat on any of the goods if he does not sell them for some years, and even if he keeps them for a very long time he still only has to pay zakat on them once when he sells them."
Malik said, "The position among us concerning a man who uses gold or silver to buy wheat, dates, or whatever, for trading purposes and keeps it until a year has elapsed over it and then sells it, is that he only has to pay zakat on it if and when he sells it, if the price reaches a zakatable amount. This is therefore not the same as the harvest crops that a man reaps from his land, or the dates that he harvests from his palms."
Malik said, "A man who has wealth which he invests in trade, but which does not realise a zakatable profit for him, fixes a month in the year when he takes stock of what goods he has for trading, and counts the gold and silver that he has in ready money, and if all of it comes to a zakatable amount he pays zakat on it."
Malik said, "The position is the same for muslims who trade and muslims who do not. They only have to pay zakat once in any one year, whether they trade in that year or not."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ زُرَيْقِ بْنِ حَيَّانَ، - وَكَانَ زُرَيْقٌ عَلَى جَوَازِ مِصْرَ فِي زَمَانِ الْوَلِيدِ وَسُلَيْمَانَ وَعُمَرَ بْنِ عَبْدِ الْعَزِيزِ - فَذَكَرَ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ كَتَبَ إِلَيْهِ أَنِ انْظُرْ مَنْ مَرَّ بِكَ مِنَ الْمُسْلِمِينَ فَخُذْ مِمَّا ظَهَرَ مِنْ أَمْوَالِهِمْ مِمَّا يُدِيرُونَ مِنَ التِّجَارَاتِ مِنْ كُلِّ أَرْبَعِينَ دِينَارًا دِينَارًا فَمَا نَقَصَ فَبِحِسَابِ ذَلِكَ حَتَّى يَبْلُغَ عِشْرِينَ دِينَارًا فَإِنْ نَقَصَتْ ثُلُثَ دِينَارٍ فَدَعْهَا وَلاَ تَأْخُذْ مِنْهَا شَيْئًا وَمَنْ مَرَّ بِكَ مِنْ أَهْلِ الذِّمَّةِ فَخُذْ مِمَّا يُدِيرُونَ مِنَ التِّجَارَاتِ مِنْ كُلِّ عِشْرِينَ دِينَارًا دِينَارًا فَمَا نَقَصَ فَبِحِسَابِ ذَلِكَ حَتَّى يَبْلُغَ عَشَرَةَ دَنَانِيرَ فَإِنْ نَقَصَتْ ثُلُثَ دِينَارٍ فَدَعْهَا وَلاَ تَأْخُذْ مِنْهَا شَيْئًا وَاكْتُبْ لَهُمْ بِمَا تَأْخُذُ مِنْهُمْ كِتَابًا إِلَى

مِثْلِهِ مِنَ الْحَوْلِ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِيمَا يُدَارُ مِنَ الْعُرُوضِ لِلتِّجَارَاتِ أَنَّ الرَّجُلَ إِذَا صَدَّقَ مَالَهُ ثُمَّ اشْتَرَى بِهِ عَرْضًا بَزًّا أَوْ رَقِيقًا أَوْ مَا أَشْبَهَ ذَلِكَ ثُمَّ بَاعَهُ قَبْلَ أَنْ يَحُولَ عَلَيْهِ الْحَوْلُ فَإِنَّهُ لاَ يُؤَدِّي مِنْ ذَلِكَ الْمَالِ زَكَاةً حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ مِنْ يَوْمَ صَدَّقَهُ وَأَنَّهُ إِنْ لَمْ يَبِعْ ذَلِكَ الْعَرْضَ سِنِينَ لَمْ يَجِبْ عَلَيْهِ فِي شَىْءٍ مِنْ ذَلِكَ الْعَرْضِ زَكَاةٌ وَإِنْ طَالَ زَمَانُهُ فَإِذَا بَاعَهُ فَلَيْسَ فِيهِ إِلاَّ زَكَاةٌ وَاحِدَةٌ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الرَّجُلِ يَشْتَرِي بِالذَّهَبِ أَوِ الْوَرِقِ حِنْطَةً أَوْ تَمْرًا أَوْ غَيْرَهُمَا لِلتِّجَارَةِ ثُمَّ يُمْسِكُهَا حَتَّى يَحُولَ عَلَيْهَا الْحَوْلُ ثُمَّ يَبِيعُهَا أَنَّ عَلَيْهِ فِيهَا الزَّكَاةَ حِينَ يَبِيعُهَا إِذَا بَلَغَ ثَمَنُهَا مَا تَجِبُ فِيهِ الزَّكَاةُ وَلَيْسَ ذَلِكَ مِثْلَ الْحَصَادِ يَحْصُدُهُ الرَّجُلُ مِنْ أَرْضِهِ وَلاَ مِثْلَ الْجِدَادِ . قَالَ مَالِكٌ وَمَا كَانَ مِنْ مَالٍ عِنْدَ رَجُلٍ يُدِيرُهُ لِلتِّجَارَةِ وَلاَ يَنِضُّ لِصَاحِبِهِ مِنْهُ شَىْءٌ تَجِبُ عَلَيْهِ فِيهِ الزَّكَاةُ فَإِنَّهُ يَجْعَلُ لَهُ شَهْرًا مِنَ السَّنَةِ يُقَوِّمُ فِيهِ مَا كَانَ عِنْدَهُ مِنْ عَرْضٍ لِلتِّجَارَةِ وَيُحْصِي فِيهِ مَا كَانَ عِنْدَهُ مِنْ نَقْدٍ أَوْ عَيْنٍ فَإِذَا بَلَغَ ذَلِكَ كُلُّهُ مَا تَجِبُ فِيهِ الزَّكَاةُ فَإِنَّهُ يُزَكِّيهِ . وَقَالَ مَالِكٌ وَمَنْ تَجَرَ مِنَ الْمُسْلِمِينَ وَمَنْ لَمْ يَتْجُرْ سَوَاءٌ لَيْسَ عَلَيْهِمْ إِلاَّ صَدَقَةٌ وَاحِدَةٌ فِي كُلِّ عَامٍ تَجَرُوا فِيهِ أَوْ لَمْ يَتْجُرُوا .

USC-MSA web (English) reference : Book 17, Hadith 20
Arabic reference : Book 17, Hadith 599

Yahya related to me from Malik that Abdullah ibn Dinar said, "I heard Abdullah ibn Umar being asked what kanz was and he said, 'It is wealth on which zakat has not been paid.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّهُ قَالَ سَمِعْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ، وَهُوَ يُسْأَلُ عَنِ الْكَنْزِ، مَا هُوَ فَقَالَ هُوَ الْمَالُ الَّذِي لاَ تُؤَدَّى مِنْهُ الزَّكَاةُ .

USC-MSA web (English) reference : Book 17, Hadith 21
Arabic reference : Book 17, Hadith 600

Yahya related to me from Malik from Abdullah ibn Dinar from Abu's-Salih as-Samman that Abu Hurayra used to say, "Anyone who has wealth on which he has not paid zakat will, on the day of rising, find his wealth made to resemble a whiteheaded serpent with a sac of venom in each cheek which will seek him out until it has him in its power, saying, 'I am the wealth that you had hidden away.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ كَانَ يَقُولُ مَنْ كَانَ عِنْدَهُ مَالٌ لَمْ يُؤَدِّ زَكَاتَهُ مُثِّلَ لَهُ يَوْمَ الْقِيَامَةِ شُجَاعًا أَقْرَعَ لَهُ زَبِيبَتَانِ يَطْلُبُهُ حَتَّى يُمْكِنَهُ يَقُولُ أَنَا كَنْزُكَ .

USC-MSA web (English) reference : Book 17, Hadith 22
Arabic reference : Book 17, Hadith 601

Yahya related to me from Malik that he had read what Umar ibn al- Khattab had written about zakat, and in it he found:

"In the name of Allah, the Merciful, the ompassionate."
The Book of Zakat.
On twenty-four camels or less zakat is paid with sheep, one ewe for every five camels.
On anything above that, up to thirty-five camels, a she-camel in its second year, and, if there is no she camel in its second year, a male camel in its third year.
On anything above that, up to forty-five camels, a she- camel in its third year.

On anything above that, up to sixty camels, a she camel in its fourth year that is ready to be sired.
On anything above that, up to seventy-five camels, a she-camel in its fifth year.
On anything above that, up to ninety camels, two she-camels in their third year.
On anything above that, up to one hundred and twenty camels, two she-camels in their fourth year that are ready to be sired.
On any number of camels above that, for every forty camels, a she-camel in its third year, and for every fifty, a she-camel in its fourth year.
On grazing sheep and goats, if they come to forty or more, up to one hundred and twenty head, one ewe.
On anything above that, up to two hundred head, two ewes.
On anything above that, up to three hundred, three ewes.
On anything above that, for every hundred, one ewe.
A ram should not be taken for zakat. nor an old or an injured ewe, except as the zakat-collector thinks fit.
Those separated should not be gathered together nor should those gathered together be separated in order to avoid paying zakat.
Whatever belongs to two associates is settled between them proportionately.
On silver, if it reaches five awaq (two hundred dirhams), one fortieth is paid."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ قَرَأَ كِتَابَ عُمَرَ بْنِ الْخَطَّابِ فِي الصَّدَقَةِ قَالَ فَوَجَدْتُ فِيهِ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ كِتَابُ الصَّدَقَةِ فِي أَرْبَعٍ وَعِشْرِينَ مِنَ الإِبِلِ فَدُونَهَا الْغَنَمُ فِي كُلِّ خَمْسٍ شَاةٌ وَفِيمَا فَوْقَ ذَلِكَ إِلَى خَمْسٍ وَثَلاَثِينَ ابْنَةُ مَخَاضٍ فَإِنْ لَمْ تَكُنِ ابْنَةُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ وَفِيمَا فَوْقَ ذَلِكَ إِلَى خَمْسٍ وَأَرْبَعِينَ بِنْتُ لَبُونٍ وَفِيمَا فَوْقَ ذَلِكَ إِلَى سِتِّينَ حِقَّةٌ طَرُوقَةُ الْفَحْلِ وَفِيمَا فَوْقَ ذَلِكَ إِلَى خَمْسٍ وَسَبْعِينَ جَذَعَةٌ وَفِيمَا فَوْقَ ذَلِكَ إِلَى تِسْعِينَ ابْنَتَا لَبُونٍ وَفِيمَا فَوْقَ ذَلِكَ إِلَى عِشْرِينَ وَمِائَةٍ حِقَّتَانِ طَرُوقَتَا الْفَحْلِ فَمَا زَادَ عَلَى ذَلِكَ مِنَ الإِبِلِ فَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ وَفِي كُلِّ خَمْسِينَ حِقَّةٌ وَفِي سَائِمَةِ الْغَنَمِ إِذَا بَلَغَتْ أَرْبَعِينَ إِلَى عِشْرِينَ وَمِائَةٍ شَاةٌ وَفِيمَا فَوْقَ ذَلِكَ إِلَى مِائَتَيْنِ شَاتَانِ وَفِيمَا فَوْقَ ذَلِكَ إِلَى ثَلاَثِمِائَةٍ ثَلاَثُ شِيَاهٍ فَمَا زَادَ عَلَى ذَلِكَ فَفِي كُلِّ مِائَةٍ شَاةٌ وَلاَ يُخْرَجُ فِي الصَّدَقَةِ تَيْسٌ وَلاَ هَرِمَةٌ وَلاَ ذَاتُ عَوَارٍ إِلاَّ مَا شَاءَ الْمُصَّدِّقُ وَلاَ يُجْمَعُ بَيْنَ مُفْتَرِقٍ وَلاَ يُفَرَّقُ بَيْنَ مُجْتَمِعٍ خَشْيَةَ الصَّدَقَةِ وَمَا كَانَ مِنْ خَلِيطَيْنِ فَإِنَّهُمَا يَتَرَاجَعَانِ بَيْنَهُمَا بِالسَّوِيَّةِ وَفِي الرِّقَةِ إِذَا بَلَغَتْ خَمْسَ أَوَاقٍ رُبُعُ الْعُشْرِ .

USC-MSA web (English) reference : Book 17, Hadith 23
Arabic reference : Book 17, Hadith 602

Yahya related to me from Malik from Humayd ibn Qays al-Makki from Tawus al Yamani that from thirty cows, Muadh ibn Jabal took one cow in its second year, and from forty cows, one cow in its third or fourth year, and when less than that (i.e. thirty cows) was brought to him he refused to take anything from it. He said, "I have not heard anything about it from the Messenger of Allah, may Allah bless him and grant him peace. When I meet him, I will ask him." But the Messenger of Allah, may Allah bless him and grant him peace, died before Muadh ibn Jabal returned.

Yahya said that Malik said, "The best that I have heard about some one who has sheep or goats with two or more shepherds in different places is that they are added together and the owner then pays the zakat on them. This is the same situation as a man who has gold and silver scattered in the hands of various people. He must add it all u p and pay whatever zakat there is to pay on the sum total."
Yahya said that Malik said, about a man who had both sheep and goats, that they were added up together for the zakat to be assessed, and if between them they came to a number on which zakat was due, he paid zakat on them. Malik added, "They are all considered as sheep, and in Umar ibn al-Khattab's book it says, 'On grazing sheep and goats, if they come to forty or more, one ewe.' "

Malik said, "If there are more sheep than goats and their owner only has to pay one ewe, the zakat collector takes the ewe from the sheep. If there are more goats than sheep, he takes it from the goats. If there is an equal number of sheep and goats, he takes the ewe from whichever kind he wishes."

Yahya said that Malik said, "Similarly, Arabian camels and Bactrian camels are added up together in order to assess the zakat that the owner has to pay. They are all considered as camels. If there are more Arabian camels than Bactrians and the owner only has to pay one camel, the zakat collector takes it from the Arabian ones. If, however, there are more Bactrian camels he takes it from those. If there is an equal number of both, he takes the camel from whichever kind he wishes."

Malik said, "Similarly, cows and water buffaloes are added up together and are all considered as cattle. If there are more cows than water buffalo and the owner only has to pay one cow, the zakat collector takes it from the cows. If there are more water buffalo, he takes it from them. If there is an equal number of both, he takes the cow from whichever kind he wishes. So if zakat is necessary, it is assessed taking both kinds as one group."

Yahya said that Malik said, "No zakat is due from anyone who comes into possession of livestock, whether camels or cattle or sheep and goats, until a year has elapsed over them from the day he acquired them, unless he already had in his possession a nisab of livestock. (The nisab is the minimum amount on which zakat has to be paid, either five head of camels, or thirty cattle, or forty sheep and goats). If he already had five head of camels, or thirty cattle, or forty sheep and goats, and he then acquired additional camels, or cattle, or sheep and goats, either by trade, or gift, or inheritance, he must pay zakat on them when he pays the zakat on the livestock he already has, even if a year has not elapsed over the acquisition. And even if the additional livestock that he acquired has had zakat taken from it the day before he bought it, or the day before he inherited it, he must still pay the zakat on it when he pays the zakat on the livestock he already has "

Yahya said that Malik said, "This is the same situation as some one who has some silver on which he pays the zakat and then uses to buy some goods with from somebody else. He then has to pay zakat on those goods when he sells them. It could be that one man will have to pay zakat on them one day, and by the following day the other man will also have to pay."

Malik said, in the case of a man who had sheep and goats which did not reach the zakatable amount, and who then bought or inherited an additional number of sheep and goats well above the zakatable amount, that he did not have to pay zakat on all his sheep and goats until a year had elapsed over them from the day he acquired the new animals, whether he bought them or inherited them.This was because none of the livestock that a man had, whether it be camels, or cattle, or sheep and goats, was counted as a nisab until there was enough of any one kind for him to have to pay zakat on it. This was the nisab which is used for assessing the zakat on what the owner had additionally acquired, whether it were a large or small amount of livestock.

Malik said, "If a man has enough camels, or cattle, or sheep and goats, for him to have to pay zakat on each kind, and then he acquires another camel, or cow, or sheep, or goat, it must be included with the rest of his animals when he pays zakat on them "

Yahya said that Malik said, "This is what I like most out of what I heard about the matter."

Malik said, in the case of a man who does not have the animal required of him for the zakat, "If it is a two-year-old she-camel that he does not have, a three-year-old male camel is taken instead. If it is a three- or four- or five-year-old she-camel that he does not have, then he must buy the required animal so that he gives the collector what is due. I do not like it if the owner gives the collector the equivalent value."

Malik said, about camels used for carrying water, and cattle used for working water-wheels or ploughing, "In my opinion such animals are included when assessing zakat."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ حُمَيْدِ بْنِ قَيْسٍ الْمَكِّيِّ، عَنْ طَاوُسٍ الْيَمَانِيِّ، أَنَّ مُعَاذَ بْنَ جَبَلٍ الأَنْصَارِيَّ، أَخَذَ مِنْ ثَلاَثِينَ بَقَرَةً تَبِيعًا وَمِنْ أَرْبَعِينَ بَقَرَةً مُسِنَّةً وَأُتِيَ بِمَا دُونَ ذَلِكَ فَأَبَى أَنْ يَأْخُذَ مِنْهُ شَيْئًا وَقَالَ لَمْ أَسْمَعْ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم فِيهِ شَيْئًا حَتَّى أَلْقَاهُ فَأَسْأَلَهُ . فَتُوُفِّيَ رَسُولُ اللَّهِ صلى الله عليه وسلم قَبْلَ أَنْ يَقْدُمَ مُعَاذُ بْنُ جَبَلٍ . قَالَ يَحْيَى قَالَ مَالِكٌ أَحْسَنُ مَا سَمِعْتُ

فِيمَنْ كَانَتْ لَهُ غَنَمٌ عَلَى رَاعِيَيْنِ مُفْتَرِقَيْنِ أَوْ عَلَى رِعَاءٍ مُفْتَرِقِينَ فِي بُلْدَانٍ شَتَّى أَنَّ ذَلِكَ يُجْمَعُ كُلُّهُ عَلَى صَاحِبِهِ فَيُؤَدِّي مِنْهُ صَدَقَتَهُ وَمِثْلُ ذَلِكَ الرَّجُلُ يَكُونُ لَهُ الذَّهَبُ أَوِ الْوَرِقُ مُتَفَرِّقَةً فِي أَيْدِي نَاسٍ شَتَّى أَنَّهُ يَنْبَغِي لَهُ أَنْ يَجْمَعَهَا فَيُخْرِجَ مِنْهَا مَا وَجَبَ عَلَيْهِ فِي ذَلِكَ مِنْ زَكَاتِهَا . وَقَالَ يَحْيَى قَالَ مَالِكٌ فِي الرَّجُلِ يَكُونُ لَهُ الضَّأْنُ وَالْمَعْزُ أَنَّهَا تُجْمَعُ عَلَيْهِ فِي الصَّدَقَةِ فَإِنْ كَانَ فِيهَا مَا تَجِبُ فِيهِ الصَّدَقَةُ صُدِّقَتْ وَقَالَ إِنَّمَا هِيَ غَنَمٌ كُلُّهَا وَفِي كِتَابِ عُمَرَ بْنِ الْخَطَّابِ وَفِي سَائِمَةِ الْغَنَمِ إِذَا بَلَغَتْ أَرْبَعِينَ شَاةً شَاةٌ . قَالَ مَالِكٌ فَإِنْ كَانَتِ الضَّأْنُ هِيَ أَكْثَرَ مِنَ الْمَعْزِ وَلَمْ يَجِبْ عَلَى رَبِّهَا إِلاَّ شَاةٌ وَاحِدَةٌ أَخَذَ الْمُصَدِّقُ تِلْكَ الشَّاةَ الَّتِي وَجَبَتْ عَلَى رَبِّ الْمَالِ مِنَ الضَّأْنِ وَإِنْ كَانَتِ الْمَعْزُ أَكْثَرَ مِنَ الضَّأْنِ أُخِذَ مِنْهَا فَإِنِ اسْتَوَى الضَّأْنُ وَالْمَعْزُ أَخَذَ الشَّاةَ مِنْ أَيَّتِهِمَا شَاءَ . قَالَ يَحْيَى قَالَ مَالِكٌ وَكَذَلِكَ الإِبِلُ الْعِرَابُ وَالْبُخْتُ يُجْمَعَانِ عَلَى رَبِّهِمَا فِي الصَّدَقَةِ . وَقَالَ إِنَّمَا هِيَ إِبِلٌ كُلُّهَا فَإِنْ كَانَتِ الْعِرَابُ هِيَ أَكْثَرَ مِنَ الْبُخْتِ وَلَمْ يَجِبْ عَلَى رَبِّهَا إِلاَّ بَعِيرٌ وَاحِدٌ فَلْيَأْخُذْ مِنَ الْعِرَابِ صَدَقَتَهَا فَإِنْ كَانَتِ الْبُخْتُ أَكْثَرَ فَلْيَأْخُذْ مِنْهَا فَإِنِ اسْتَوَتْ فَلْيَأْخُذْ مِنْ أَيَّتِهِمَا شَاءَ . قَالَ مَالِكٌ وَكَذَلِكَ الْبَقَرُ وَالْجَوَامِيسُ تُجْمَعُ فِي الصَّدَقَةِ عَلَى رَبِّهَا . وَقَالَ إِنَّمَا هِيَ بَقَرٌ كُلُّهَا فَإِنْ كَانَتِ الْبَقَرُ هِيَ أَكْثَرَ مِنَ الْجَوَامِيسِ وَلاَ تَجِبُ عَلَى رَبِّهَا إِلاَّ بَقَرَةٌ وَاحِدَةٌ فَلْيَأْخُذْ مِنَ الْبَقَرِ صَدَقَتَهُمَا وَإِنْ كَانَتِ الْجَوَامِيسُ أَكْثَرَ فَلْيَأْخُذْ مِنْهَا فَإِنِ اسْتَوَتْ فَلْيَأْخُذْ مِنْ أَيَّتِهِمَا شَاءَ فَإِذَا وَجَبَتْ فِي ذَلِكَ الصَّدَقَةُ صُدِّقَ الصِّنْفَانِ جَمِيعًا . قَالَ يَحْيَى قَالَ مَالِكٌ مَنْ أَفَادَ مَاشِيَةً مِنْ إِبِلٍ أَوْ بَقَرٍ أَوْ غَنَمٍ فَلاَ صَدَقَةَ عَلَيْهِ فِيهَا حَتَّى يَحُولَ عَلَيْهَا الْحَوْلُ مِنْ يَوْمَ أَفَادَهَا إِلاَّ أَنْ يَكُونَ لَهُ قَبْلَهَا نِصَابُ مَاشِيَةٍ وَالنِّصَابُ مَا تَجِبُ فِيهِ الصَّدَقَةُ إِمَّا خَمْسُ ذَوْدٍ مِنَ الإِبِلِ وَإِمَّا ثَلاَثُونَ بَقَرَةً وَإِمَّا أَرْبَعُونَ شَاةً فَإِذَا كَانَ لِلرَّجُلِ خَمْسُ ذَوْدٍ مِنَ الإِبِلِ أَوْ ثَلاَثُونَ بَقَرَةً أَوْ أَرْبَعُونَ شَاةً ثُمَّ أَفَادَ إِلَيْهَا إِبِلاً أَوْ بَقَرًا أَوْ غَنَمًا بِاشْتِرَاءٍ أَوْ هِبَةٍ أَوْ مِيرَاثٍ فَإِنَّهُ يُصَدِّقُهَا مَعَ مَاشِيَتِهِ حِينَ يُصَدِّقُهَا وَإِنْ لَمْ يَحُلْ عَلَى الْفَائِدَةِ الْحَوْلُ وَإِنْ كَانَ مَا أَفَادَ مِنَ الْمَاشِيَةِ إِلَى مَاشِيَتِهِ قَدْ صُدِّقَتْ قَبْلَ أَنْ يَشْتَرِيَهَا بِيَوْمٍ وَاحِدٍ أَوْ قَبْلَ أَنْ يَرِثَهَا بِيَوْمٍ وَاحِدٍ فَإِنَّهُ يُصَدِّقُهَا مَعَ مَاشِيَتِهِ حِينَ يُصَدِّقُ مَاشِيَتَهُ . قَالَ يَحْيَى قَالَ مَالِكٌ وَإِنَّمَا مَثَلُ ذَلِكَ مَثَلُ الْوَرِقِ يُزَكِّيهَا الرَّجُلُ ثُمَّ يَشْتَرِي بِهَا مِنْ رَجُلٍ آخَرَ عَرْضًا وَقَدْ وَجَبَتْ عَلَيْهِ فِي عَرْضِهِ ذَلِكَ إِذَا بَاعَهُ الصَّدَقَةُ فَيُخْرِجُ الرَّجُلُ الآخَرُ صَدَقَتَهَا هَذَا الْيَوْمَ وَيَكُونُ الآخَرُ قَدْ صَدَّقَهَا مِنَ الْغَدِ . قَالَ مَالِكٌ فِي رَجُلٍ كَانَتْ لَهُ غَنَمٌ لاَ تَجِبُ فِيهَا الصَّدَقَةُ فَاشْتَرَى إِلَيْهَا غَنَمًا كَثِيرَةً تَجِبُ فِي دُونِهَا الصَّدَقَةُ أَوْ وَرِثَهَا أَنَّهُ لاَ تَجِبُ عَلَيْهِ فِي الْغَنَمِ كُلِّهَا الصَّدَقَةُ حَتَّى يَحُولَ عَلَيْهَا الْحَوْلُ مِنْ يَوْمَ أَفَادَهَا بِاشْتِرَاءٍ أَوْ مِيرَاثٍ وَذَلِكَ أَنَّ كُلَّ مَا كَانَ عِنْدَ الرَّجُلِ مِنْ مَاشِيَةٍ لاَ تَجِبُ فِيهَا الصَّدَقَةُ مِنْ إِبِلٍ أَوْ بَقَرٍ أَوْ غَنَمٍ فَلَيْسَ يُعَدُّ ذَلِكَ نِصَابَ مَالٍ حَتَّى يَكُونَ فِي كُلِّ صِنْفٍ مِنْهَا مَا تَجِبُ فِيهِ الصَّدَقَةُ فَذَلِكَ النِّصَابُ الَّذِي يُصَدِّقُ مَعَهُ مَا أَفَادَ إِلَيْهِ صَاحِبُهُ مِنْ قَلِيلٍ أَوْ كَثِيرٍ مِنَ الْمَاشِيَةِ . قَالَ مَالِكٌ وَلَوْ كَانَتْ لِرَجُلٍ إِبِلٌ أَوْ بَقَرٌ أَوْ غَنَمٌ تَجِبُ فِي كُلِّ صِنْفٍ مِنْهَا الصَّدَقَةُ ثُمَّ أَفَادَ إِلَيْهَا بَعِيرًا أَوْ بَقَرَةً أَوْ شَاةً صَدَّقَهَا مَعَ مَاشِيَتِهِ حِينَ يُصَدِّقُهَا . قَالَ يَحْيَى قَالَ مَالِكٌ وَهَذَا أَحَبُّ مَا سَمِعْتُ إِلَيَّ فِي هَذَا . قَالَ مَالِكٌ فِي الْفَرِيضَةِ تَجِبُ عَلَى الرَّجُلِ فَلاَ تُوجَدُ عِنْدَهُ أَنَّهَا إِنْ كَانَتِ ابْنَةَ مَخَاضٍ فَلَمْ تُوجَدْ أُخِذَ مَكَانَهَا ابْنُ لَبُونٍ ذَكَرٌ وَإِنْ كَانَتْ بِنْتَ لَبُونٍ أَوْ حِقَّةً أَوْ جَذَعَةً وَلَمْ يَكُنْ عِنْدَهُ كَانَ عَلَى رَبِّ الإِبِلِ أَنْ يَبْتَاعَهَا لَهُ حَتَّى يَأْتِيَهُ بِهَا وَلاَ أُحِبُّ أَنْ يُعْطِيَهُ قِيمَتَهَا . وَقَالَ مَالِكٌ فِي الإِبِلِ النَّوَاضِحِ وَالْبَقَرِ السَّوَانِي وَبَقَرِ الْحَرْثِ إِنِّي أَرَى أَنْ يُؤْخَذَ مِنْ ذَلِكَ كُلِّهِ إِذَا وَجَبَتْ فِيهِ الصَّدَقَةُ .

USC-MSA web (English) reference : Book 17, Hadith 24
Arabic reference : Book 17, Hadith 603

Yahya said that Malik said, concerning two associates, "If they share one herdsman, one male animal, one pasture and one watering place then the two men are associates, as long as each one of them knows his own property from that of his companion If someone cannot tell his property apart from that of his fellow, he is not an associate, but rather, a co-owner "

Malik said, "It is not obligatory for both associates to pay zakat unless both of them have a zakatable amount (of livestock). If, for instance, one of the associates has forty or more sheep and goats and the other has less than forty sheep and goats, then the one who has forty has to pay zakat and the one who has less does not. If both of them have a zakatable amount (of livestock) then both of them are assessed together (i.e the flock is assessed as one) and both of them have to pay zakat. If one of them has a thousand sheep, or less, that he has to pay zakat on, and the other has forty, or more, then they are associates, and each one pays his contribution according to the number of animals he has - so much from the one with a thousand, and so much from the one with forty.
Malik said, "Two associates in camels are the same as two associates in sheep and goats, and, for the purposes of zakat, are assessed together if each one of them has a zakatable amount (of camels). That is because the Messenger of Allah, may Allah bless him and grant him peace, said, 'There is no zakat on less than five head of camels,' and Umar ibn al-Khattab said, 'On grazing sheep and goats, if they come to forty or more - one ewe.' "
Yahya said that Malik said, "This is what I like most out of what I have heard about the matter."
Malik said that when Umar ibn al-Khattab said, "Those separated should not be gathered together nor should those gathered together be separated in order to avoid paying zakat," what he meant was the owners of livestock.
Malik said, "What he meant when he said, 'Those separated should not be gathered together' is, for instance, that there is a group of three men, each of whom has forty sheep and goats, and each of whom thus has to pay zakat. Then, when the zakat collector is on his way ,they gather their flocks together so that they only owe one ewe between them. This they are forbidden to do. What he meant when he said, 'nor should those gathered together be separated,' is, for instance, that there are two associates, each one of whom has a hundred and one sheep and goats, and each of whom must therefore pay three ewes. Then, when the zakat collector is on his way, they split up their flocks so that they only have to pay one ewe each. This they are forbidden to do. And so it is said, 'Those separated should not be gathered together nor should those gathered together be separated in order to avoid paying zakat.' "
Malik said, "This is what I have heard about the matter."

USC-MSA web (English) reference : Book 17, Hadith 25

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili from a son of Abdullah ibn Sufyan ath-Thaqafi from his grandfather Sufyan ibn Abdullah that Umar ibn al-Khattab once sent him to collect zakat. He used to include sakhlas (when assessing zakat), and they said, "Do you include sakhlas even though you do not take them (as payment)?" He returned to Umar ibn al-Khattab and mentioned that to him and Umar said, "Yes, you include a sakhla which the shepherd is carrying, but you do not take it. Neither do you take an akula, or a rubba, or a makhid, or male sheep and goats in their second and third years, and this is a just compromise between the young of sheep and goats and the best of them."

Malik said, "A sakhla is a newborn lamb or kid. A rubba is a mother that is looking after her offspring, a makhid is a pregnant ewe or goat, and an akula is a sheep or goat that is being fattened for meat."
Malik said, about a man who had sheep and goats on which he did not have to pay any zakat, but which increased by birth to a zakatable amount on the day before the zakat collector came to them, "If the number of sheep and goats along with their (newborn) offspring reaches a zakatable amount then the man has to pay zakat on them. That is because the offspring of the sheep are part of the flock itself. It is not the same situation as when some one acquires sheep by buying them, or is given them, or inherits them. Rather, it is like when merchandise whose value does not come to a zakatable amount is sold, and with the profit that accrues it then comes to a zakatable amount. The owner must then pay zakat on both his profit and his original capital, taken together. If his profit had been a chance

acquisition or an inheritance he would not have had to pay zakat on it until one year had elapsed over it from the day he had acquired it or inherited it."
Malik said, "The young of sheep and goats are part of the flock, in the same way that profit from wealth is part of that wealth. There is, however, one difference, in that when a man has a zakatable amount of gold and silver, and then acquires an additional amount of wealth, he leaves aside the wealth he has acquired and does not pay zakat on it when he pays the zakat on his original wealth but waits until a year has elapsed over what he has acquired from the day he acquired it. Whereas a man who has a zakatable amount of sheep and goats, or cattle, or camels, and then acquires another camel, cow, sheep or goat, pays zakat on it at the same time that he pays the zakat on the others of its kind, if he already has a zakatable amount of livestock of that particular kind."
Malik said, "This is the best of what I have heard about this. "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، عَنِ ابْنٍ لِعَبْدِ اللَّهِ بْنِ سُفْيَانَ الثَّقَفِيِّ، عَنْ جَدِّهِ، سُفْيَانَ بْنِ عَبْدِ اللَّهِ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، بَعَثَهُ مُصَدِّقًا فَكَانَ يَعُدُّ عَلَى النَّاسِ بِالسَّخْلِ فَقَالُوا أَتَعُدُّ عَلَيْنَا بِالسَّخْلِ وَلاَ تَأْخُذُ مِنْهُ شَيْئًا ‏.‏ فَلَمَّا قَدِمَ عَلَى عُمَرَ بْنِ الْخَطَّابِ ذَكَرَ لَهُ ذَلِكَ فَقَالَ عُمَرُ نَعَمْ تَعُدُّ عَلَيْهِمْ بِالسَّخْلَةِ يَحْمِلُهَا الرَّاعِي وَلاَ تَأْخُذُهَا وَلاَ تَأْخُذُ الأَكُولَةَ وَلاَ الرُّبَّى وَلاَ الْمَاخِضَ وَلاَ فَحْلَ الْغَنَمِ وَتَأْخُذُ الْجَذَعَةَ وَالثَّنِيَّةَ وَذَلِكَ عَدْلٌ بَيْنَ غِذَاءِ الْغَنَمِ وَخِيَارِهِ ‏.‏ قَالَ مَالِكٌ وَالسَّخْلَةُ الصَّغِيرَةُ حِينَ تُنْتَجُ ‏.‏ وَالرُّبَّى الَّتِي قَدْ وَضَعَتْ فَهِيَ تُرَبِّي وَلَدَهَا ‏.‏ وَالْمَاخِضُ هِيَ الْحَامِلُ ‏.‏ وَالأَكُولَةُ هِيَ شَاةُ اللَّحْمِ الَّتِي تُسَمَّنُ لِتُؤْكَلَ ‏.‏ وَقَالَ مَالِكٌ فِي الرَّجُلِ تَكُونُ لَهُ الْغَنَمُ لاَ تَجِبُ فِيهَا الصَّدَقَةُ فَتَوَالَدُ قَبْلَ أَنْ يَأْتِيَهَا الْمُصَدِّقُ بِيَوْمٍ وَاحِدٍ فَتَبْلُغُ مَا تَجِبُ فِيهِ الصَّدَقَةُ بِوِلاَدَتِهَا قَالَ مَالِكٌ إِذَا بَلَغَتِ الْغَنَمُ بِأَوْلاَدِهَا مَا تَجِبُ فِيهِ الصَّدَقَةُ فَعَلَيْهِ فِيهَا الصَّدَقَةُ وَذَلِكَ أَنَّ وِلاَدَةَ الْغَنَمِ مِنْهَا وَذَلِكَ مُخَالِفٌ لِمَا أُفِيدَ مِنْهَا بِاشْتِرَاءٍ أَوْ هِبَةٍ أَوْ مِيرَاثٍ وَمِثْلُ ذَلِكَ الْعَرْضُ لاَ يَبْلُغُ ثَمَنُهُ مَا تَجِبُ فِيهِ الصَّدَقَةُ ثُمَّ يَبِيعُهُ صَاحِبُهُ فَيَبْلُغُ بِرِبْحِهِ مَا تَجِبُ فِيهِ الصَّدَقَةُ فَيُصَدِّقُ رِبْحَهُ مَعَ رَأْسِ الْمَالِ وَلَوْ كَانَ رِبْحُهُ فَائِدَةً أَوْ مِيرَاثًا لَمْ تَجِبْ فِيهِ الصَّدَقَةُ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ مِنْ يَوْمَ أَفَادَهُ أَوْ وَرِثَهُ ‏.‏ قَالَ مَالِكٌ فَغِذَاءُ الْغَنَمِ مِنْهَا كَمَا رِبْحُ الْمَالِ مِنْهُ غَيْرَ أَنَّ ذَلِكَ يَخْتَلِفُ فِي وَجْهٍ آخَرَ أَنَّهُ إِذَا كَانَ لِلرَّجُلِ مِنَ الذَّهَبِ أَوِ الْوَرِقِ مَا تَجِبُ فِيهِ الزَّكَاةُ ثُمَّ أَفَادَ إِلَيْهِ مَالاً تَرَكَ مَالَهُ الَّذِي أَفَادَ فَلَمْ يُزَكِّهِ مَعَ مَالِهِ الأَوَّلِ حِينَ يُزَكِّيهِ حَتَّى يَحُولَ عَلَى الْفَائِدَةِ الْحَوْلُ مِنْ يَوْمَ أَفَادَهَا وَلَوْ كَانَتْ لِرَجُلٍ غَنَمٌ أَوْ بَقَرٌ أَوْ إِبِلٌ تَجِبُ فِي كُلِّ صِنْفٍ مِنْهَا الصَّدَقَةُ ثُمَّ أَفَادَ إِلَيْهَا بَعِيرًا أَوْ بَقَرَةً أَوْ شَاةً صَدَّقَهَا مَعَ صِنْفِ مَا أَفَادَ مِنْ ذَلِكَ حِينَ يُصَدِّقُهُ إِذَا كَانَ عِنْدَهُ مِنْ ذَلِكَ الصِّنْفِ الَّذِي أَفَادَ نِصَابُ مَاشِيَةٍ ‏.‏ قَالَ مَالِكٌ وَهَذَا أَحْسَنُ مَا سَمِعْتُ فِي ذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 26
Arabic reference : Book 17, Hadith 604

Yahya said that Malik said, "The position with us concerning a man who has zakat to pay on one hundred camels but then the zakat collector does not come to him until zakat is due for a second timeand by that time all his camels have died except five, is that the zakat collector assesses from the five camels the two amounts of zakat that are due from the owner of the animals, which in this case is only two sheep, one for each year. This is because the only zakat which an owner of livestock has to pay is what is due from him on the day that the zakat is (actually) assessed. His livestock may have died or it may have increased, and the zakat collector only assesses the zakat on what he (actually) finds on the day he makes the assessment. If more than one payment of zakat is due from the owner of the livestock, he still only has to pay zakat according to what the zakat collector (actually) finds in his possession, and if his livestock has died, or several payments of zakat are due from him and nothing is taken until all his livestock has died, or has been reduced to an amount below that on which he has to pay zakat, then he does not have to pay any zakat, and there is no liability (on him) for what has died or for the years that have passed.

USC-MSA web (English) reference : Book 17, Hadith 27

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Yahya ibn Habban from al-Qasim ibn Muhammad that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Sheep from the zakat were brought past Umar ibn al-Khattab and he saw amongst them a sheep with a large udder, ready to give milk, and he said, 'What is this sheep doing here?' and they replied, 'It is one of the sheep from the zakat.' Umar said, 'The owners did not give this sheep willingly. Do not subject people to trials. Do not take from the muslims those of their animals which are the best food-producers.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ مُرَّ عَلَى عُمَرَ بْنِ الْخَطَّابِ بِغَنَمٍ مِنَ الصَّدَقَةِ فَرَأَى فِيهَا شَاةً حَافِلاً ذَاتَ ضَرْعٍ عَظِيمٍ فَقَالَ عُمَرُ مَا هَذِهِ الشَّاةُ فَقَالُوا شَاةٌ مِنَ الصَّدَقَةِ . فَقَالَ عُمَرُ مَا أَعْطَى هَذِهِ أَهْلُهَا وَهُمْ طَائِعُونَ لاَ تَفْتِنُوا النَّاسَ لاَ تَأْخُذُوا حَزَرَاتِ الْمُسْلِمِينَ نَكِّبُوا عَنِ الطَّعَامِ .

USC-MSA web (English) reference : Book 17, Hadith 28
Arabic reference : Book 17, Hadith 605

Yahya related to me from Malik from Yahya ibn Said that Muhammad ibn Yahya ibn Habban said, "Two men from the Ashja tribe told me that Muhammad ibn Maslama al-Ansari used tocome to them to collect their zakat, and he would say to anyone who owned livestock, 'Select (the animal for) the zakat on your livestock and bring it to me,' and he would accept any sheep that was brought to him provided it met the requirements of what the man owed."

Malik said, "The sunna with us, and what I have seen the people of knowledge doing in our city, is that things are not made difficult for the muslims in their paying zakat, and whatever they offer of their livestock is accepted from them."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، أَنَّهُ قَالَ أَخْبَرَنِي رَجُلاَنِ، مِنْ أَشْجَعَ أَنَّ مُحَمَّدَ بْنَ مَسْلَمَةَ الأَنْصَارِيَّ، كَانَ يَأْتِيهِمْ مُصَدِّقًا فَيَقُولُ لِرَبِّ الْمَالِ أَخْرِجْ إِلَىَّ صَدَقَةَ مَالِكَ . فَلاَ يَقُودُ إِلَيْهِ شَاةً فِيهَا وَفَاءٌ مِنْ حَقِّهِ إِلاَّ قَبِلَهَا . قَالَ مَالِكٌ السُّنَّةُ عِنْدَنَا - وَالَّذِي أَدْرَكْتُ عَلَيْهِ أَهْلَ الْعِلْمِ بِبَلَدِنَا - أَنَّهُ لاَ يُضَيَّقُ عَلَى الْمُسْلِمِينَ فِي زَكَاتِهِمْ وَأَنْ يُقْبَلَ مِنْهُمْ مَا دَفَعُوا مِنْ أَمْوَالِهِمْ .

USC-MSA web (English) reference : Book 17, Hadith 29
Arabic reference : Book 17, Hadith 606

Yahya related to me from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Zakat is not permissible for someone who is not in need except for five:

someone fighting in the way of Allah, someone who collects zakat, someone who has suffered (financial) loss (at the hands of debtors), someone who buys it with his own money, and some one who has a poor neighbour who receives some zakat and gives some as a present to the one who is not in need."

Malik said, "The position with us concerning the dividing up of zakat is that it is up to the individual judgement of the man in charge (wali). Whichever categories of people are in most need and are most numerous are given preference, according to how the man in charge sees fit. It is possible that that may change after one year, or two, or more, but it is always those who are in need and are most numerous that are given preference, whatever category they may belong to. This is what I have seen done by people of knowledge with which I am satisifed."

Malik said, "There is no fixed share for the collector of the zakat, except according to what the imam sees fit."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ تَحِلُّ الصَّدَقَةُ لِغَنِيٍّ إِلاَّ لِخَمْسَةٍ لِغَازٍ فِي سَبِيلِ اللَّهِ أَوْ لِعَامِلٍ عَلَيْهَا أَوْ لِغَارِمٍ أَوْ لِرَجُلٍ اشْتَرَاهَا بِمَالِهِ أَوْ لِرَجُلٍ لَهُ جَارٌ مِسْكِينٌ فَتُصُدِّقَ عَلَى الْمِسْكِينِ فَأَهْدَى الْمِسْكِينُ لِلْغَنِيِّ " . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي قَسْمِ الصَّدَقَاتِ أَنَّ ذَلِكَ لاَ يَكُونُ إِلاَّ عَلَى وَجْهِ الاِجْتِهَادِ مِنَ الْوَالِي فَأَىُّ الأَصْنَافِ كَانَتْ فِيهِ الْحَاجَةُ وَالْعَدَدُ أُوثِرَ ذَلِكَ الصِّنْفُ بِقَدْرِ مَا يَرَى الْوَالِي وَعَسَى أَنْ يَنْتَقِلَ ذَلِكَ إِلَى الصِّنْفِ الآخَرِ بَعْدَ عَامٍ أَوْ عَامَيْنِ أَوْ أَعْوَامٍ فَيُؤْثَرُ أَهْلُ الْحَاجَةِ وَالْعَدَدِ حَيْثُمَا كَانَ ذَلِكَ وَعَلَى هَذَا أَدْرَكْتُ مَنْ أَرْضَى مِنْ أَهْلِ الْعِلْمِ . قَالَ مَالِكٌ وَلَيْسَ لِلْعَامِلِ عَلَى الصَّدَقَاتِ فَرِيضَةٌ مُسَمَّاةٌ إِلاَّ عَلَى قَدْرِ مَا يَرَى الإِمَامُ .

USC-MSA web (English) reference : Book 17, Hadith 30
Arabic reference : Book 17, Hadith 607

Yahya related to me from Malik that he had heard that Abu Bakr as-Siddiq said, "If they withhold even a hobbling cord I will fight them over it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ، قَالَ لَوْ مَنَعُونِي عِقَالاً لَجَاهَدْتُهُمْ عَلَيْهِ .

USC-MSA web (English) reference : Book 17, Hadith 31
Arabic reference : Book 17, Hadith 608

Yahya related to me from Malik that Zayd ibn Aslam said, ''Umar ibn al Khattab drank some milk which he liked (very much) and he asked the man who had given it to him, 'Where did this milk come from?' The man told him that he had come to a watering-place, which he named, and had found grazing livestock from the zakat watering there. He was given some of their milk, which he then put into his water-skin, and that was the milk in question. Umar ibn al-Khattab then put his hand into his mouth to make himself vomit."

Malik said, "The position with us is that if anyone refuses to honour one of the obligatory demands of Allah, and the muslims are unable to get it, then they have the right to fight him until they get itfrom him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّهُ قَالَ شَرِبَ عُمَرُ بْنُ الْخَطَّابِ لَبَنًا فَأَعْجَبَهُ فَسَأَلَ الَّذِي سَقَاهُ مِنْ أَيْنَ هَذَا اللَّبَنُ فَأَخْبَرَهُ أَنَّهُ وَرَدَ عَلَى مَاءٍ - قَدْ سَمَّاهُ - فَإِذَا نَعَمٌ مِنْ نَعَمِ الصَّدَقَةِ وَهُمْ يَسْقُونَ فَحَلَبُوا لِي مِنْ أَلْبَانِهَا فَجَعَلْتُهُ فِي سِقَائِي فَهُوَ هَذَا . فَأَدْخَلَ عُمَرُ بْنُ الْخَطَّابِ يَدَهُ فَاسْتَقَاءَهُ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّ كُلَّ مَنْ مَنَعَ فَرِيضَةً مِنْ فَرَائِضِ اللَّهِ عَزَّ وَجَلَّ فَلَمْ يَسْتَطِعِ الْمُسْلِمُونَ أَخْذَهَا كَانَ حَقًّا عَلَيْهِمْ جِهَادُهُ حَتَّى يَأْخُذُوهَا مِنْهُ .

USC-MSA web (English) reference : Book 17, Hadith 32
Arabic reference : Book 17, Hadith 609

Yahya related to me from Malik that he had heard that one of the administrators of Umar ibn Abd al-'Aziz wrote to him mentioning that a man had refused to pay zakat on his property. Umar wrote to the administrator and told him to leave the man alone and not to take any zakat from him when he took it from the other muslims. The man heard about this and the situation became unbearable for him, and after that he paid the zakat on his property. The administrator wrote to Umar and mentioned that to him, and Umar wrote back telling him to take the zakat from him.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَامِلاً، لِعُمَرَ بْنِ عَبْدِ الْعَزِيزِ كَتَبَ إِلَيْهِ يَذْكُرُ أَنَّ رَجُلاً مَنَعَ زَكَاةَ مَالِهِ فَكَتَبَ إِلَيْهِ عُمَرُ أَنْ دَعْهُ وَلاَ تَأْخُذْ مِنْهُ زَكَاةً مَعَ الْمُسْلِمِينَ قَالَ فَبَلَغَ ذَلِكَ الرَّجُلَ فَاشْتَدَّ عَلَيْهِ وَأَدَّى بَعْدَ ذَلِكَ زَكَاةَ مَالِهِ فَكَتَبَ عَامِلُ عُمَرَ إِلَيْهِ يَذْكُرُ لَهُ ذَلِكَ فَكَتَبَ إِلَيْهِ عُمَرُ أَنْ خُذْهَا مِنْهُ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 33
Arabic reference : Book 17, Hadith 610

Yahya related to me from Malik from a reliable source from Sulayman ibn Yasar and from Busr ibn Said that the Messenger of Allah, may Allah bless him and grant him peace, said, "On land that is watered by rain or springs or any natural means there is (zakat to pay of) a tenth. On irrigated land there is (zakat of) a twentieth (to pay)."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ الثِّقَةِ، عِنْدَهُ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، وَعَنْ بُسْرِ بْنِ سَعِيدٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ فِيمَا سَقَتِ السَّمَاءُ وَالْعُيُونُ وَالْبَعْلِ الْعُشْرُ وَفِيمَا سُقِيَ بِالنَّضْحِ نِصْفُ الْعُشْرِ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 34
Arabic reference : Book 17, Hadith 611

Yahya related to me from Malik from Ziyad ibn Sad that Ibn Shihab said, "Neither jurur, nor musran al-fara, nor adhq ibn hubayq should be taken as zakat from dates. They should be included in the assessment but not taken as zakat. "

Malik said, "This is the same as with sheep and goats, whose young are included in the assessment but are not (actually) taken as zakat. There are also certain kinds of fruit which are not taken as zakat, such as burdi dates (one of the finest kinds of dates), and similar varieties.
Neither the lowest quality (of any property) nor the highest should be taken. Rather, zakat should be taken from average quality property."
Malik said, "The position that we are agreed upon concerning fruit is that only dates and grapes are estimated while on the tree. They are estimated when their usability is clear and they are halal to sell. This is because the fruit of date-palms and vines is eaten straightaway in the form of fresh dates and grapes, and so the assessment is done by estimation to make things easier for people and to avoid causing them trouble. Their produce is estimated and then they are given a free hand in using their produce as they wish, and later they pay the zakat on it according to the estimation that was made."
Malik said, "crops which are not eaten fresh, such as grains and seeds, which are only eaten after they have been harvested, are not estimated. The owner, after he has harvested, threshed and sifted the crop, so that it is then in the form of grain or seed, has to fulfil his trust himself and deduct the zakat he owes if the amount is large enough for him to have to pay zakat. This is the position that we are all agreed upon here (in Madina)."
Malik said, "The position that we are all agreed upon here (in Madina) is that the produce of date palms is estimated while it is still on the tree, after it has ripened and become halal to sell, and the zakat on it is deducted in the form of dried dates at the time of harvest. If the fruit is damaged after it has been estimated and the damage affects all the fruit then no zakat has to be paid. If some of the fruit remains unaffected, and this fruit amounts to five awsuq or more using the sa of the Prophet, may Allah bless him and grant him peace, then zakat is deducted from it. Zakat does not have to be paid, however, on the fruit that was damaged . Grapevines are dealt with in the same way.
If a man owns various pieces of property in various places, or is a co-owner of various pieces of property in various places, none of which individually comes to a zakatable amount, but which, when added together, do come to a zakatable amount, then he adds them together and pays the zakat that is due on them ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زِيَادِ بْنِ سَعْدٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ لاَ يُؤْخَذُ فِي صَدَقَةِ النَّخْلِ الْجُعْرُورُ وَلاَ مُصْرَانُ الْفَارَةِ وَلاَ عَذْقُ ابْنِ حُبَيْقٍ . قَالَ وَهُوَ يُعَدُّ عَلَى صَاحِبِ الْمَالِ وَلاَ يُؤْخَذُ مِنْهُ فِي الصَّدَقَةِ . قَالَ مَالِكٌ وَإِنَّمَا مِثْلُ ذَلِكَ الْغَنَمُ تُعَدُّ عَلَى صَاحِبِهَا بِسِخَالِهَا وَالسَّخْلُ لاَ يُؤْخَذُ مِنْهُ فِي الصَّدَقَةِ وَقَدْ يَكُونُ فِي الأَمْوَالِ ثِمَارٌ لاَ تُؤْخَذُ الصَّدَقَةُ مِنْهَا مِنْ ذَلِكَ الْبُرْدِيُّ وَمَا أَشْبَهَهُ لاَ يُؤْخَذُ مِنْ أَدْنَاهُ كَمَا لاَ يُؤْخَذُ مِنْ خِيَارِهِ . قَالَ وَإِنَّمَا تُؤْخَذُ الصَّدَقَةُ مِنْ أَوْسَاطِ الْمَالِ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّهُ لاَ يُخْرَصُ مِنَ الثِّمَارِ إِلاَّ النَّخِيلُ وَالأَعْنَابُ فَإِنَّ ذَلِكَ يُخْرَصُ حِينَ يَبْدُو صَلاَحُهُ وَيَحِلُّ بَيْعُهُ وَذَلِكَ أَنَّ ثَمَرَ النَّخِيلِ وَالأَعْنَابِ يُؤْكَلُ رُطَبًا وَعِنَبًا فَيُخْرَصُ عَلَى أَهْلِهِ لِلتَّوْسِعَةِ عَلَى النَّاسِ وَلِئَلاَّ يَكُونَ عَلَى أَحَدٍ فِي ذَلِكَ ضِيقٌ فَيُخْرَصُ ذَلِكَ عَلَيْهِمْ ثُمَّ يُخَلَّى بَيْنَهُمْ وَبَيْنَهُ يَأْكُلُونَهُ كَيْفَ شَاءُوا ثُمَّ يُؤَدُّونَ مِنْهُ الزَّكَاةَ عَلَى مَا خُرِصَ عَلَيْهِمْ . قَالَ مَالِكٌ فَأَمَّا مَا لاَ يُؤْكَلُ رَطْبًا وَإِنَّمَا يُؤْكَلُ بَعْدَ حَصَادِهِ مِنَ الْحُبُوبِ كُلِّهَا فَإِنَّهُ لاَ يُخْرَصُ وَإِنَّمَا عَلَى أَهْلِهَا فِيهَا إِذَا حَصَدُوهَا وَدَقُّوهَا وَطَيَّبُوهَا وَخَلُصَتْ حَبًّا فَإِنَّمَا عَلَى أَهْلِهَا فِيهَا الأَمَانَةُ يُؤَدُّونَ زَكَاتَهَا إِذَا بَلَغَ ذَلِكَ مَا تَجِبُ فِيهِ الزَّكَاةُ وَهَذَا الأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ النَّخْلَ يُخْرَصُ عَلَى أَهْلِهَا وَثَمَرُهَا فِي رُءُوسِهَا إِذَا طَابَ وَحَلَّ بَيْعُهُ وَيُؤْخَذُ مِنْهُ صَدَقَتُهُ تَمْرًا عِنْدَ الْجِدَادِ فَإِنْ أَصَابَتِ الثَّمَرَةَ جَائِحَةٌ بَعْدَ أَنْ تُخْرَصَ عَلَى أَهْلِهَا وَقَبْلَ أَنْ تُجَذَّ فَأَحَاطَتِ الْجَائِحَةُ بِالثَّمَرِ كُلِّهِ فَلَيْسَ عَلَيْهِمْ صَدَقَةٌ فَإِنْ بَقِيَ مِنَ الثَّمَرِ شَىْءٌ يَبْلُغُ خَمْسَةَ أَوْسُقٍ فَصَاعِدًا بِصَاعِ النَّبِيِّ صلى الله عليه وسلم أُخِذَ مِنْهُمْ زَكَاتُهُ وَلَيْسَ عَلَيْهِمْ فِيمَا أَصَابَتِ الْجَائِحَةُ زَكَاةٌ وَكَذَلِكَ الْعَمَلُ فِي الْكَرْمِ أَيْضًا وَإِذَا كَانَ لِرَجُلٍ قِطَعُ أَمْوَالٍ مُتَفَرِّقَةٌ أَوِ اشْتِرَاكٌ فِي أَمْوَالٍ مُتَفَرِّقَةٍ لاَ يَبْلُغُ مَالُ كُلِّ شَرِيكٍ أَوْ قِطَعُهُ مَا تَجِبُ فِيهِ الزَّكَاةُ وَكَانَتْ إِذَا جُمِعَ بَعْضُ ذَلِكَ إِلَى بَعْضٍ يَبْلُغُ مَا تَجِبُ فِيهِ الزَّكَاةُ فَإِنَّهُ يَجْمَعُهَا وَيُؤَدِّي زَكَاتَهَا .

USC-MSA web (English) reference : Book 17, Hadith 35
Arabic reference : Book 17, Hadith 612

Yahya related to me from Malik that he asked Ibn Shihab about olives and he said, "There is a tenth on them."
Malik said, "The tenth that is taken from olives is taken after they have been pressed, and the olives must come to a minimum amount of five awsuq and there must be at least five awsuq of olives. If there are less than five awsuq of olives, no zakat has to be paid.
Olive trees are like date palms insofar as there is a tenth on whatever is watered by rain or springs or any natural means, and a twentieth on whatever is irrigated. However, olives are not estimated while on the tree. The sunna with us as far as grain and seeds which people store and eat is concerned is that a tenth is taken from whatever has been watered by rain or springs or any natural means, and a twentieth from whatever has been irrigated, that is, as long as the amount comes to five awsuq or more using the aforementioned sa, that is, the sa of the Prophet, may Allah bless him and grant him peace. Zakat must be paid on anything above five awsuq according to the amount involved."
Malik said, "The kinds of grain and seeds on which there is zakat are:
wheat, barley, sult (a kind of barley), sorghum, pearl millet, rice, lentils, peas, beans, sesame seeds and other such grains and seeds which are used for food. Zakat is taken from them after they have been harvested and are in the form of grai n or seed." He said, "People are entrusted with the assessment and whatever they hand over is accepted ."

Malik was asked whether the tenth or the twentieth was taken out of olives before they were sold or after and he said, "The sale is not taken into consideration. It is the people who produce the olives that are asked about the olives, just as it is the people who produce foodstuffs that are asked about it, and zakat is taken from them by what they say.

Someone who gets five awsuq or more of olives from his olive trees has a tenth taken from the oil after pressing. Whereas someone who does not get five awsuq from his trees does not have to pay any zakat on the oil."
Malik said, "Someone who sells his crops when they are ripe and are ready in the husk has to pay zakat on them but the one who buys them does not. The sale of crops is not valid until they are ready in the husk and no longer need water."
Malik said, concerning the word of Allah the Exalted, "And give its due on the day of its harvesting," that it referred to zakat, and that he had heard people saying that.
Malik said, "If someone sells his garden or his land, on which are crops or fruit which have not yet ripened, then it is the buyer who has to pay the zakat. If, however, they have ripened, it is the seller who has to pay the zakat, unless paying the zakat is one of the conditions of the sale."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ الزَّيْتُونِ، فَقَالَ فِيهِ الْعُشْرُ . قَالَ مَالِكٌ وَإِنَّمَا يُؤْخَذُ مِنَ الزَّيْتُونِ الْعُشْرُ بَعْدَ أَنْ يُعْصَرَ وَيَبْلُغَ زَيْتُونُهُ خَمْسَةَ أَوْسُقٍ فَمَا لَمْ يَبْلُغْ زَيْتُونُهُ خَمْسَةَ أَوْسُقٍ فَلاَ زَكَاةَ فِيهِ وَالزَّيْتُونُ بِمَنْزِلَةِ النَّخِيلِ مَا كَانَ مِنْهُ سَقَتْهُ السَّمَاءُ وَالْعُيُونُ أَوْ كَانَ بَعْلاً فَفِيهِ الْعُشْرُ وَمَا كَانَ يُسْقَى بِالنَّضْحِ فَفِيهِ نِصْفُ الْعُشْرِ وَلاَ يُخْرَصُ شَىْءٌ مِنَ الزَّيْتُونِ فِي شَجَرِهِ . وَالسُّنَّةُ عِنْدَنَا فِي الْحُبُوبِ الَّتِي يَدَّخِرُهَا النَّاسُ وَيَأْكُلُونَهَا أَنَّهُ يُؤْخَذُ مِمَّا سَقَتْهُ السَّمَاءُ مِنْ ذَلِكَ وَمَا سَقَتْهُ الْعُيُونُ وَمَا كَانَ بَعْلاً الْعُشْرُ وَمَا سُقِيَ بِالنَّضْحِ نِصْفُ الْعُشْرِ إِذَا بَلَغَ ذَلِكَ خَمْسَةَ أَوْسُقٍ بِالصَّاعِ الأَوَّلِ صَاعِ النَّبِيِّ صلى الله عليه وسلم وَمَا زَادَ عَلَى خَمْسَةِ أَوْسُقٍ فَفِيهِ الزَّكَاةُ بِحِسَابِ ذَلِكَ . قَالَ مَالِكٌ وَالْحُبُوبُ الَّتِي فِيهَا الزَّكَاةُ الْحِنْطَةُ وَالشَّعِيرُ وَالسُّلْتُ وَالذُّرَةُ وَالدُّخْنُ وَالأُرْزُ وَالْعَدَسُ وَالْجُلْبَانُ وَاللُّوبِيَا وَالْجُلْجُلاَنُ وَمَا أَشْبَهَ ذَلِكَ مِنَ الْحُبُوبِ الَّتِي تَصِيرُ طَعَامًا فَالزَّكَاةُ تُؤْخَذُ مِنْهَا بَعْدَ أَنْ تُحْصَدَ وَتَصِيرَ حَبًّا . قَالَ وَالنَّاسُ مُصَدَّقُونَ فِي ذَلِكَ وَيُقْبَلُ مِنْهُمْ فِي ذَلِكَ مَا دَفَعُوا . وَسُئِلَ مَالِكٌ مَتَى يُخْرَجُ مِنَ الزَّيْتُونِ الْعُشْرُ أَوْ نِصْفُهُ أَقَبْلَ النَّفَقَةِ أَمْ بَعْدَهَا فَقَالَ لاَ يُنْظَرُ إِلَى النَّفَقَةِ وَلَكِنْ يُسْأَلُ عَنْهُ أَهْلُهُ كَمَا يُسْأَلُ أَهْلُ الطَّعَامِ عَنِ الطَّعَامِ وَيُصَدَّقُونَ بِمَا قَالُوا فَمَنْ رُفِعَ مِنْ زَيْتُونِهِ خَمْسَةُ أَوْسُقٍ فَصَاعِدًا أُخِذَ مِنْ زَيْتِهِ الْعُشْرُ بَعْدَ أَنْ يُعْصَرَ وَمَنْ لَمْ يُرْفَعْ مِنْ زَيْتُونِهِ خَمْسَةُ أَوْسُقٍ لَمْ تَجِبْ عَلَيْهِ فِي زَيْتِهِ الزَّكَاةُ . قَالَ مَالِكٌ وَمَنْ بَاعَ زَرْعَهُ وَقَدْ صَلَحَ وَيَبِسَ فِي أَكْمَامِهِ فَعَلَيْهِ زَكَاتُهُ وَلَيْسَ عَلَى الَّذِي اشْتَرَاهُ زَكَاةٌ وَلاَ يَصْلُحُ بَيْعُ الزَّرْعِ حَتَّى يَيْبَسَ فِي أَكْمَامِهِ وَيَسْتَغْنِيَ عَنِ الْمَاءِ . قَالَ مَالِكٌ فِي قَوْلِ اللَّهِ تَعَالَى {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} أَنَّ ذَلِكَ الزَّكَاةُ وَقَدْ سَمِعْتُ مَنْ يَقُولُ ذَلِكَ . قَالَ مَالِكٌ وَمَنْ بَاعَ أَصْلَ حَائِطِهِ أَوْ أَرْضَهُ وَفِي ذَلِكَ زَرْعٌ أَوْ ثَمَرٌ لَمْ يَبْدُ صَلاَحُهُ فَزَكَاةُ ذَلِكَ عَلَى الْمُبْتَاعِ وَإِنْ كَانَ قَدْ طَابَ وَحَلَّ بَيْعُهُ فَزَكَاةُ ذَلِكَ عَلَى الْبَائِعِ إِلاَّ أَنْ يَشْتَرِطَهَا عَلَى الْمُبْتَاعِ .

USC-MSA web (English) reference : Book 17, Hadith 36
Arabic reference : Book 17, Hadith 613

Malik said, "If a man has four awsuq of dates he has harvested, four awsuq of grapes he has picked, or four awsuq of wheat he has reaped or four awsuq of pulses he has harvested, the different categories are not added together, and he does not have to pay zakat on any of the categ ries - the dates, the grapes, the wheat or the pulses - until any one of them comes to five awsuq using the sa of the Prophet, may Allah bless him and grant him peace, as the Messenger of Allah, may Allah bless him and grant him peace, said, 'There is no zakat (to pay) on anything less than five awsuq of dates. 'lf any of the categories comes to five awsuq, then zakat must be paid. If none of the categories comes to five awsuq, then there is no zakat to pay. The explanation of this is that when a man harvests five awsuq of dates (from his palms), he adds them all together and deducts the zakat from them even if they are all of different kinds and varieties. It is the same with different kinds of cereal, such as brown wheat, white wheat, barley and sult, which are all considered as one category. If a man reaps five awsuq of any of these, he adds it all together and pays zakat on it.

If it does not come to that amount he does not have to pay any zakat. It is the same (also) with grapes, whether they be black or red. If a man picks five awsuq of them he has to pay zakat on them, but if they do not come to that amount he does not have to pay any zakat. Pulses also are considered as one category, like cereals, dates and grapes, even if they are of different varieties and are called by different names. Pulses include chick- peas, lentils, beans, peas, and anything which is agreed by everybody to be a pulse. If a man harvests five awsuq of pulses, measuring by the aforementioned sa, the sa of the Prophet, may Allah bless him and grant him peace, he collects them all together and must pay zakat on them, even if they are of every kind of pulse and not just one kind."

Malik said, "Umar ibn al-Khattab drew a distinction between pulses and wheat when he took zakat from the Nabatean christians. He considered all pulses to be one category and took a tenth from them, and from cereals and raisins he took a twentieth."
Malik said, "If some one asks, 'How can pulses be added up all together when assessing the zakat so that there is just one payment, when a man can barter two of one kind for one of another, while cereals can not be bartered at a rate of two to one?', then tell him, 'Gold and silver are collected together when assessing the zakat, even though an amount of gold dinars can be exchanged for many times tha tamount of silver dirhams.' "
Malik said, regarding date palms which are shared equally between two men, and from which eight awsuq of dates are harvested, "They do not have to pay any zakat on them. If one man owns five awsuq of what is harvested from one piece of land, and the other owns four awsuq or less, the one who owns the five awsuq has to pay zakat, and the other one, who harvested four awsuq or less, does not have to pay zakat. This is how things are done whenever there are associates in any crop, whether the crop is grain or seeds that are reaped, or dates that are harvested, or grapes that are picked . Any one of them that harvests five awsuq of dates, or picks five awsuq of grapes, or reaps five awsuq of wheat, has to pay zakat, and whoever's portion is less than five awsuq does not have to pay zakat. Zakat only has to be paid by someone whose harvesting or picking or reaping comes to five awsuq."
Malik said, "The sunna with us regarding anything from any of these categories, i.e. wheat, dates, grapes and any kind of grain o rseed, which has had the zakat deducted from it and is then stored by its owner for a number of years after he has paid the zakat on it until he sell sit, is that he does not have to pay any zakat on the price he sells it for until a year has elapsed over it from the day he made the sale, as long as he got it through (chance) acquisition or some other means and it was not intended for trading. Cereals, seeds and trade-goods are the same, in that if a man acquires some and keeps them for a number of years and then sells them for gold or silver, he does not have to pay zakat on their price until a year has elapsed over it from the day of sale. If, however, the goods were intended for trade then the owner must pay zakat on them when he sells them, as long as he has had them for a year from the day when he paid zakat on the property with which he bought them."

USC-MSA web (English) reference : Book 17, Hadith 37

Malik said, "The sunna that we are all agreed upon here (in Madina) and which I have heard from the people of knowledge, is that there is no zakat on any kind of fresh (soft) fruit, whether it be pomegranates, peaches, figs or anything that is like them or not like them as long as it is fruit."

He continued, "No zakat has to be paid on animal fodder or herbs and vegetables of any kind, and there is no zakat to pay on the price realised on their sale until a year has elapsed over it from the day of sale which counts as the time the owner receives the sum."

USC-MSA web (English) reference : Book 17, Hadith 37

Yahya related to me from Malik from Abdullah ibn Umar from Sulayman ibn Yasar from Irak ibn Malik from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A muslim does not have to pay any zakat on his slave or his horse."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عِرَاكِ بْنِ مَالِكٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لَيْسَ عَلَى الْمُسْلِمِ فِي عَبْدِهِ وَلاَ فِي فَرَسِهِ صَدَقَةٌ " .

USC-MSA web (English) reference : Book 17, Hadith 38
Arabic reference : Book 17, Hadith 614

Yahya related to me from Malik from Ibn Shihab from Sulayman ibn Yasar that the people of Syria said to Abu Ubayda ibn al-Jarrah, "Take zakat from our horses and slaves," and he refused. Then he wrote to Umar ibn al-Khattab and he (also) refused. Again they talked to him and again he wrote to Umar, and Umar wrote back to him saying, "If they want, take it from them and (then) give it back to them and give their slaves provision."

Malik said, "What he means, may Allah have mercy upon him, by the words 'and give it back to them' is, 'to their poor.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ أَهْلَ الشَّامِ، قَالُوا لأَبِي عُبَيْدَةَ بْنِ الْجَرَّاحِ خُذْ مِنْ خَيْلِنَا وَرَقِيقِنَا صَدَقَةً . فَأَبَى ثُمَّ كَتَبَ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَأَبَى عُمَرُ ثُمَّ كَلَّمُوهُ أَيْضًا فَكَتَبَ إِلَى عُمَرَ فَكَتَبَ إِلَيْهِ عُمَرُ إِنْ أَحَبُّوا فَخُذْهَا مِنْهُمْ وَارْدُدْهَا عَلَيْهِمْ وَارْزُقْ رَقِيقَهُمْ . قَالَ مَالِكٌ مَعْنَى قَوْلِهِ رَحِمَهُ اللَّهُ وَارْدُدْهَا عَلَيْهِمْ يَقُولُ عَلَى فُقَرَائِهِمْ .

USC-MSA web (English) reference : Book 17, Hadith 39
Arabic reference : Book 17, Hadith 615

Yahya related to me from Malik that Abdullah ibn Abi Bakr ibn Amr ibn Hazim said, "A message came from Umar ibn Abd al-Aziz to my father when he was in Mina telling him not to take zakat from either honey or horses."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ عَمْرِو بْنِ حَزْمٍ، أَنَّهُ قَالَ جَاءَ كِتَابٌ مِنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ إِلَى أَبِي وَهُوَ بِمِنًى أَنْ لاَ يَأْخُذَ مِنَ الْعَسَلِ وَلاَ مِنَ الْخَيْلِ صَدَقَةً .

USC-MSA web (English) reference : Book 17, Hadith 40
Arabic reference : Book 17, Hadith 616

Yahya related to me from Malik that Abdullah ibn Dinar said, "I asked Said ibn al-Musayyab about zakat on work-horses, and he said, 'Is there any zakat on horses ?' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّهُ قَالَ سَأَلْتُ سَعِيدَ بْنَ الْمُسَيَّبِ عَنْ صَدَقَةِ الْبَرَاذِينِ، فَقَالَ وَهَلْ فِي الْخَيْلِ مِنْ صَدَقَةٍ

USC-MSA web (English) reference : Book 17, Hadith 41
Arabic reference : Book 17, Hadith 617

Yahya related to me from Malik that Ibn Shihab said, "I have heard that the Messenger of Allah, may Allah bless him and grant him peace, took jizya from the magians of Bahrain, that Umar ibn al- Khattab took it from the magians of Persia and that Uthman ibn Affan took it from the Berbers."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، قَالَ بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَخَذَ الْجِزْيَةَ مِنْ مَجُوسِ الْبَحْرَيْنِ وَأَنَّ عُمَرَ بْنَ الْخَطَّابِ أَخَذَهَا مِنْ مَجُوسِ فَارِسَ وَأَنَّ عُثْمَانَ بْنَ عَفَّانَ أَخَذَهَا مِنَ الْبَرْبَرِ .

USC-MSA web (English) reference : Book 17, Hadith 42
Arabic reference : Book 17, Hadith 618

Yahya related to me from Malik from Jafar ibn Muhammad ibn Ali from his father that Umar ibn al-Khattab mentioned the magians and said, "I do not know what to do about them." Abd ar-Rahman ibn Awf said, "I bear witness that I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Follow the same sunna with them that you follow with the people of the Book . ' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدِ بْنِ عَلِيٍّ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، ذَكَرَ الْمَجُوسَ فَقَالَ مَا أَدْرِي كَيْفَ أَصْنَعُ فِي أَمْرِهِمْ فَقَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ أَشْهَدُ لَسَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " سُنُّوا بِهِمْ سُنَّةَ أَهْلِ الْكِتَابِ " .

USC-MSA web (English) reference : Book 17, Hadith 43
Arabic reference : Book 17, Hadith 619

Yahya related to me from Malik from Nafi from Aslam, the mawla of Umar ibn al-Khattab, that Umar ibn al-Khattab imposed a jizya tax of four dinars on those living where gold was the currency, and forty dirhams on those living where silver was the currency. In addition, they had to provide for the muslims and receive them as guests for three days.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ أَسْلَمَ، مَوْلَى عُمَرَ بْنِ الْخَطَّابِ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، ضَرَبَ الْجِزْيَةَ عَلَى أَهْلِ الذَّهَبِ أَرْبَعَةَ دَنَانِيرَ وَعَلَى أَهْلِ الْوَرِقِ أَرْبَعِينَ دِرْهَمًا مَعَ ذَلِكَ أَرْزَاقُ الْمُسْلِمِينَ وَضِيَافَةُ ثَلاَثَةِ أَيَّامٍ .

USC-MSA web (English) reference : Book 17, Hadith 44
Arabic reference : Book 17, Hadith 620

Yahya related to me from Malik from Zayd ibn Aslam from his father that he said to Umar ibn al-Khattab, "There is a blind she- camel behind the house,'' soUmar said, "Hand it over to a household so that they can make (some) use of it." He said, "But she is blind." Umar replied, "Then put it in a line with other camels." He said, "How will it be able to eat from the ground?" Umar asked, "Is it from the livestock of the jizya or the zakat?" and Aslam replied, "From the livestock of the jizya." Umar said, "By AIIah, you wish to eat it." Aslam said, "It has the brand of the jizya on it." So Umar ordered it to be slaughtered. He had nine platters, and on each of the platters he put some of every fruit and delicacy that there was and then sent them to the wives of the Prophet, may Allah bless him and grant him peace, and the one he sent to his daughter Hafsa was the last of them all, and if there was any deficiency in any of them it was in Hafsa's portion.

"He put meat from the slaughtered animal on the platters and sent them to the wives of the Prophet, may Allah bless him and grant him peace, and he ordered what was left of the meat of the slaughtered animal to be prepared. Then he invited the Muhajirun and the Ansar to eat it."
Malik said, "I do not think that livestock should be taken from people who pay the jizya except as jizya."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ لِعُمَرَ بْنِ الْخَطَّابِ إِنَّ فِي الظَّهْرِ نَاقَةً عَمْيَاءَ . فَقَالَ عُمَرُ ادْفَعْهَا إِلَى أَهْلِ بَيْتٍ يَنْتَفِعُونَ بِهَا . قَالَ فَقُلْتُ وَهِيَ عَمْيَاءُ فَقَالَ عُمَرُ يَقْطُرُونَهَا بِالإِبِلِ . قَالَ فَقُلْتُ كَيْفَ تَأْكُلُ مِنَ الأَرْضِ قَالَ فَقَالَ عُمَرُ أَمِنْ نَعَمِ الْجِزْيَةِ هِيَ أَمْ مِنْ نَعَمِ الصَّدَقَةِ فَقُلْتُ بَلْ مِنْ نَعَمِ الْجِزْيَةِ . فَقَالَ عُمَرُ أَرَدْتُمْ - وَاللَّهِ - أَكْلَهَا . فَقُلْتُ إِنَّ عَلَيْهَا وَسْمَ الْجِزْيَةِ . فَأَمَرَ بِهَا عُمَرُ فَنُحِرَتْ وَكَانَ عِنْدَهُ صِحَافٌ تِسْعٌ فَلاَ تَكُونُ فَاكِهَةٌ وَلاَ طُرَيْفَةٌ إِلاَّ جَعَلَ مِنْهَا فِي تِلْكَ الصِّحَافِ فَبَعَثَ بِهَا إِلَى أَزْوَاجِ النَّبِيِّ صلى الله عليه وسلم وَيَكُونُ الَّذِي يَبْعَثُ بِهِ إِلَى حَفْصَةَ ابْنَتِهِ مِنْ آخِرِ ذَلِكَ فَإِنْ كَانَ فِيهِ نُقْصَانٌ كَانَ فِي حَظِّ

حَفْصَةَ - قَالَ - فَجَعَلَ فِي تِلْكَ الصِّحَافِ مِنْ لَحْمِ تِلْكَ الْجَزُورِ فَبَعَثَ بِهِ إِلَى أَزْوَاجِ النَّبِيِّ صلى الله عليه وسلم وَأَمَرَ بِمَا بَقِيَ مِنْ لَحْمِ تِلْكَ الْجَزُورِ فَصُنِعَ فَدَعَا عَلَيْهِ الْمُهَاجِرِينَ وَالأَنْصَارَ . قَالَ مَالِكٌ لاَ أَرَى أَنْ تُؤْخَذَ النَّعَمُ مِنْ أَهْلِ الْجِزْيَةِ إِلاَّ فِي جِزْيَتِهِمْ .

USC-MSA web (English) reference : Book 17, Hadith 45
Arabic reference : Book 17, Hadith 621

Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz wrote to his governors telling them to relieve any people who payed the jizya from paying the jizya if they became muslims.

Malik said, "The sunna is that there is no jizya due from women or children of people of the Book, and that jizya is only taken from men who have reached puberty. The people of dhimma and the magians do not have to pay any zakat on their palms or their vines or their crops or their livestock. This is because zakat is imposed on the muslims to purify them and to be given back to their poor, whereas jizya is imposed on the people of the Book to humble them. As long as they are in the country they have agreed to live in, they do not have to pay anything on their property except the jizya. If, however, they trade in muslim countries, coming and going in them, a tenth is taken from what they invest in such trade. This is because jizya is only imposed on them on conditions, which they have agreed on, namely that they will remain in their own countries, and that war will be waged for them on any enemy of theirs, and that if they then leave that land to go anywhere else to do business they will haveto pay a tenth. Whoever among them does business with the people of Egypt, and then goes to Syria, and then does business with the people of Syria and then goes to Iraq and does business with them and then goes on to Madina, or Yemen, or other similar places, has to pay a tenth.
People of the Book and magians do not have to pay any zakat on any of their property, livestock, produce or crops. The sunna still continues like that. They remain in the deen they were in, and they continue to do what they used to do. If in any one year they frequently come and go in muslim countries then they have to pay a tenth every time they do so, since that is outside what they have agreed upon, and not one of the conditions stipulated for them. This is what I have seen the people of knowledge of our city doing."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ إِلَى عُمَّالِهِ أَنْ يَضَعُوا الْجِزْيَةَ عَمَّنْ أَسْلَمَ مِنْ أَهْلِ الْجِزْيَةِ حِينَ يُسْلِمُونَ . قَالَ مَالِكٌ مَضَتِ السُّنَّةُ أَنْ لاَ جِزْيَةَ عَلَى نِسَاءِ أَهْلِ الْكِتَابِ وَلاَ عَلَى صِبْيَانِهِمْ وَأَنَّ الْجِزْيَةَ لاَ تُؤْخَذُ إِلاَّ مِنَ الرِّجَالِ الَّذِينَ قَدْ بَلَغُوا الْحُلُمَ وَلَيْسَ عَلَى أَهْلِ الذِّمَّةِ وَلاَ عَلَى الْمَجُوسِ فِي نَخِيلِهِمْ وَلاَ كُرُومِهِمْ وَلاَ زُرُوعِهِمْ وَلاَ مَوَاشِيهِمْ صَدَقَةٌ لأَنَّ الصَّدَقَةَ إِنَّمَا وُضِعَتْ عَلَى الْمُسْلِمِينَ تَطْهِيرًا لَهُمْ وَرَدًّا عَلَى فُقَرَائِهِمْ وَوُضِعَتِ الْجِزْيَةُ عَلَى أَهْلِ الْكِتَابِ صَغَارًا لَهُمْ فَهُمْ مَا كَانُوا بِبَلَدِهِمُ الَّذِينَ صَالَحُوا عَلَيْهِ لَيْسَ عَلَيْهِمْ شَىْءٌ سِوَى الْجِزْيَةِ فِي شَىْءٍ مِنْ أَمْوَالِهِمْ إِلاَّ أَنْ يَتَّجِرُوا فِي بِلاَدِ الْمُسْلِمِينَ وَيَخْتَلِفُوا فِيهَا فَيُؤْخَذُ مِنْهُمُ الْعُشْرُ فِيمَا يُدِيرُونَ مِنَ التِّجَارَاتِ وَذَلِكَ أَنَّهُمْ إِنَّمَا وُضِعَتْ عَلَيْهِمُ الْجِزْيَةُ وَصَالَحُوا عَلَيْهَا عَلَى أَنْ يُقَرُّوا بِبِلاَدِهِمْ وَيُقَاتَلَ عَنْهُمْ عَدُوُّهُمْ فَمَنْ خَرَجَ مِنْهُمْ مِنْ بِلاَدِهِ إِلَى غَيْرِهَا يَتْجُرُ إِلَيْهَا فَعَلَيْهِ الْعُشْرُ مَنْ تَجَرَ مِنْهُمْ مِنْ أَهْلِ مِصْرَ إِلَى الشَّامِ وَمِنْ أَهْلِ الشَّامِ إِلَى الْعِرَاقِ وَمِنْ أَهْلِ الْعِرَاقِ إِلَى الْمَدِينَةِ أَوِ الْيَمَنِ أَوْ مَا أَشْبَهَ هَذَا مِنَ الْبِلاَدِ فَعَلَيْهِ الْعُشْرُ وَلاَ صَدَقَةَ عَلَى أَهْلِ الْكِتَابِ وَلاَ الْمَجُوسِ فِي شَىْءٍ مِنْ أَمْوَالِهِمْ وَلاَ مِنْ مَوَاشِيهِمْ وَلاَ ثِمَارِهِمْ وَلاَ زُرُوعِهِمْ مَضَتْ بِذَلِكَ السُّنَّةُ وَيُقَرُّونَ عَلَى دِينِهِمْ وَيَكُونُونَ عَلَى مَا كَانُوا عَلَيْهِ وَإِنِ اخْتَلَفُوا فِي الْعَامِ الْوَاحِدِ مِرَارًا فِي بِلاَدِ الْمُسْلِمِينَ فَعَلَيْهِمْ كُلَّمَا اخْتَلَفُوا الْعُشْرُ لأَنَّ ذَلِكَ لَيْسَ مِمَّا صَالَحُوا عَلَيْهِ وَلاَ مِمَّا شُرِطَ لَهُمْ وَهَذَا الَّذِي أَدْرَكْتُ عَلَيْهِ أَهْلَ الْعِلْمِ بِبَلَدِنَا .

USC-MSA web (English) reference : Book 17, Hadith 46
Arabic reference : Book 17, Hadith 622

Yahya related to me from Ibn Shihab from Salim ibn Abdullah from his father that Umar ibn al-Khattab used to take a twentieth from the cereals and olive oil of the Nabatean christians, intending by that to increase the cargo to Madina. He would take a tenth from pulses.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَأْخُذُ مِنَ النَّبَطِ مِنَ الْحِنْطَةِ وَالزَّيْتِ نِصْفَ الْعُشْرِ يُرِيدُ بِذَلِكَ أَنْ يَكْثُرَ الْحَمْلُ إِلَى الْمَدِينَةِ وَيَأْخُذُ مِنَ الْقُطْنِيَّةِ الْعُشْرَ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 47
Arabic reference : Book 17, Hadith 623

Yahya related to me from Malik from Ibn Shihab that as-Sa'ib ibn Yazid said, "As a young man I used to work with Abdullah ibn Utba ibn Masud in the market of Madina in the time of Umar ibn al-Khattab and we used to take a tenth from the Nabateans."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ السَّائِبِ بْنِ يَزِيدَ، أَنَّهُ قَالَ كُنْتُ غُلاَمًا عَامِلاً مَعَ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ عَلَى سُوقِ الْمَدِينَةِ فِي زَمَانِ عُمَرَ بْنِ الْخَطَّابِ فَكُنَّا نَأْخُذُ مِنَ النَّبَطِ الْعُشْرَ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 48
Arabic reference : Book 17, Hadith 624

Yahya related to me from Malik that he had asked Ibn Shihab why Umar ibn al Khattab used to take a tenth from the Nabateans, and Ibn Shihab replied, "It used to be taken from them in the jahiliyya, and Umar imposed it on them."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَلَى أَىِّ وَجْهٍ كَانَ يَأْخُذُ عُمَرُ بْنُ الْخَطَّابِ مِنَ النَّبَطِ الْعُشْرَ فَقَالَ ابْنُ شِهَابٍ كَانَ ذَلِكَ يُؤْخَذُ مِنْهُمْ فِي الْجَاهِلِيَّةِ فَأَلْزَمَهُمْ ذَلِكَ عُمَرُ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 49
Arabic reference : Book 17, Hadith 625

Yahya related to me from Zayd ibn Aslam that his father said that he had heard Umar ibn al-Khattab say, "I once gave a noble horse to carry somebody in the way of Allah, and the man neglected it. I wished to buy it back from him and I thought that he would sell it cheaply. I asked the Messenger of Allah, may Allah bless him and grant him peace, about it and he said, 'Do not buy it, even if he gives it to you for one dirham, for someone who takes back his sadaqa is like a dog swallowing its own vomit.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ، وَهُوَ يَقُولُ حَمَلْتُ عَلَى فَرَسٍ عَتِيقٍ فِي سَبِيلِ اللَّهِ - وَكَانَ الرَّجُلُ الَّذِي هُوَ عِنْدَهُ قَدْ أَضَاعَهُ - فَأَرَدْتُ أَنْ أَشْتَرِيَهُ مِنْهُ وَظَنَنْتُ أَنَّهُ بَائِعُهُ بِرُخْصٍ فَسَأَلْتُ عَنْ ذَلِكَ رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ ‏"‏ لاَ تَشْتَرِهِ وَإِنْ أَعْطَاكَهُ بِدِرْهَمٍ وَاحِدٍ فَإِنَّ الْعَائِدَ فِي صَدَقَتِهِ كَالْكَلْبِ يَعُودُ فِي قَيْئِهِ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 50
Arabic reference : Book 17, Hadith 626

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab gave a horse to carry some one in the way of Allah, and then he wished to buy it back. So he asked the Messenger of Allah, may Allah bless him and grant him peace, about it, and he said, "Do not buy or take back your sadaqa."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، حَمَلَ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ فَأَرَادَ أَنْ يَبْتَاعَهُ فَسَأَلَ عَنْ ذَلِكَ رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ " لاَ تَبْتَعْهُ وَلاَ تَعُدْ فِي صَدَقَتِكَ " .

USC-MSA web (English) reference : Book 17, Hadith 51
Arabic reference : Book 17, Hadith 627

Yahya said that Malik was asked about whether a man who gave some sadaqa, and then found it being offered back to him for sale by some one other than the man to whom he had given it, could buy it or not, and he said, "I prefer that he leaves it."

USC-MSA web (English) reference : Book 17, Hadith 51

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to pay the zakat al-fitr for those slaves of his that were at Wadi'l-Qura and Khaybar.

Yahya related to me that Malik said, "The best that I have heard about the zakat al-fitr is that a man has to pay for every person that he is responsible for supporting and whom he must support. He has to pay forall his mukatabs, his mudabbars, and his ordinary slaves, whether they are present or absent, as long as they are muslim, and whether or not they are fortrade. However, he does not have to pay zakat on any of them that are not muslim."
Malik said, concerning a runaway slave, "I think that his master should pay the zakat fo rhim whether or not he knows where he is, if it has not been long since the slave ran away and his master hopes that he is still alive and will return. If it has been a long time since he ran away and his master has despaired of him returning then I do not think that he should pay zakat for him.'
Malik said, "The zakat al-fitr has to be paid by people living in the desert (i.e. nomadic people) just as it has to be paid by people living in villages (i.e. settled people), because the Messenger of Allah, may Allah bless him and grant him peace, made the zakat al-fitr at the end of Ramadan obligatory on every muslim, whether freeman or slave, male or female."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُخْرِجُ زَكَاةَ الْفِطْرِ عَنْ غِلْمَانِهِ الَّذِينَ، بِوَادِي الْقُرَى وَبِخَيْبَرَ . وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّ أَحْسَنَ، مَا سَمِعْتُ فِيمَا، يَجِبُ عَلَى الرَّجُلِ مِنْ زَكَاةِ الْفِطْرِ أَنَّ الرَّجُلَ يُؤَدِّي ذَلِكَ عَنْ كُلِّ مَنْ يَضْمَنُ نَفَقَتَهُ وَلاَ بُدَّ لَهُ مِنْ أَنْ يُنْفِقَ عَلَيْهِ وَالرَّجُلُ يُؤَدِّي عَنْ مُكَاتَبِهِ وَمُدَبَّرِهِ وَرَقِيقِهِ كُلِّهِمْ غَائِبِهِمْ وَشَاهِدِهِمْ مَنْ كَانَ مِنْهُمْ مُسْلِمًا وَمَنْ كَانَ مِنْهُمْ لِتِجَارَةٍ أَوْ لِغَيْرِ تِجَارَةٍ وَمَنْ لَمْ يَكُنْ مِنْهُمْ مُسْلِمًا فَلاَ زَكَاةَ عَلَيْهِ فِيهِ . قَالَ مَالِكٌ فِي الْعَبْدِ الآبِقِ إِنَّ سَيِّدَهُ إِنْ عَلِمَ مَكَانَهُ أَوْ لَمْ يَعْلَمْ وَكَانَتْ غَيْبَتُهُ قَرِيبَةً فَهُوَ يَرْجُو حَيَاتَهُ وَرَجْعَتَهُ فَإِنِّي أَرَى أَنْ يُزَكِّيَ عَنْهُ وَإِنْ كَانَ إِبَاقُهُ قَدْ طَالَ وَيَئِسَ مِنْهُ فَلاَ أَرَى أَنْ يُزَكِّيَ عَنْهُ . قَالَ مَالِكٌ تَجِبُ زَكَاةُ الْفِطْرِ عَلَى أَهْلِ الْبَادِيَةِ كَمَا تَجِبُ عَلَى أَهْلِ الْقُرَى وَذَلِكَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم فَرَضَ زَكَاةَ الْفِطْرِ مِنْ رَمَضَانَ عَلَى النَّاسِ عَلَى كُلِّ حُرٍّ أَوْ عَبْدٍ ذَكَرٍ أَوْ أُنْثَى مِنَ الْمُسْلِمِينَ .

USC-MSA web (English) reference : Book 17, Hadith 52
Arabic reference : Book 17, Hadith 628

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, made the zakat of breaking the fast at the end of Ramadan obligatory on every muslim, whether freeman or slave, male or female, and stipulated it as a sa' of dates or a sa' of barley.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم فَرَضَ زَكَاةَ الْفِطْرِ مِنْ رَمَضَانَ عَلَى النَّاسِ صَاعًا مِنْ تَمْرٍ أَوْ صَاعًا مِنْ شَعِيرٍ عَلَى كُلِّ حُرٍّ أَوْ عَبْدٍ ذَكَرٍ أَوْ أُنْثَى مِنَ الْمُسْلِمِينَ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 53
Arabic reference : Book 17, Hadith 629

Yahya related to me from Malik from Zayd ibn Aslam from lyad ibn Abdullah ibn Sad ibn Abi Sarh al-Amiri that he had heard Abu Said al- Khudri say, "We used to pay the zakat al-fitr with a sa of wheat, or a sa of barley, or a sa of dates, or a sa of dried sour milk, or a sa of raisins, using the sa of the Prophet, may Allah bless him and grant him peace . "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عِيَاضِ بْنِ عَبْدِ اللَّهِ بْنِ سَعْدِ بْنِ أَبِي سَرْحٍ الْعَامِرِيِّ، أَنَّهُ سَمِعَ أَبَا سَعِيدٍ الْخُدْرِيَّ، يَقُولُ كُنَّا نُخْرِجُ زَكَاةَ الْفِطْرِ صَاعًا مِنْ طَعَامٍ أَوْ صَاعًا مِنْ شَعِيرٍ أَوْ صَاعًا مِنْ تَمْرٍ أَوْ صَاعًا مِنْ أَقِطٍ أَوْ صَاعًا مِنْ زَبِيبٍ وَذَلِكَ بِصَاعِ النَّبِيِّ صلى الله عليه وسلم ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 54
Arabic reference : Book 17, Hadith 630

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would always pay the zakat al-fitr in dates, except once, when he paid it in barley.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ لاَ يُخْرِجُ فِي زَكَاةِ الْفِطْرِ إِلاَّ التَّمْرَ إِلاَّ مَرَّةً وَاحِدَةً فَإِنَّهُ أَخْرَجَ شَعِيرًا ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 55
Arabic reference : Book 17, Hadith 631

Maliksaid, "Payment of all types of kaffara, of zakat al-fitr and of the zakat on grains for which a tenth or a twentieth is due, is made using the smaller mudd, which is the mudd of the Prophet, may Allah bless him and grant him peace, except in the case of dhihar divorce, when the kaffara is paid using the mudd of Hisham, which is the larger mudd."

USC-MSA web (English) reference : Book 17, Hadith 55

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to send the zakat al-fitr to the one with whom it was collected together two or three days before the day of breaking the fast.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَبْعَثُ بِزَكَاةِ الْفِطْرِ إِلَى الَّذِي تُجْمَعُ عِنْدَهُ قَبْلَ الْفِطْرِ بِيَوْمَيْنِ أَوْ ثَلاَثَةٍ ‏.‏

USC-MSA web (English) reference : Book 17, Hadith 56
Arabic reference : Book 17, Hadith 632

Yahya related to me that Malik had seen that the people of knowledge used to like to pay the zakat al-fitr after dawn had broken on the day of the Fitr before they went to the place of prayer.

Malik said, "There is leeway in this, if Allah wills, in that it can be paid either before setting out (for the prayer) on the day of Fitr or afterwards."

USC-MSA web (English) reference : Book 17, Hadith 57

Yahya related to me that Malik said, "A man does not have to pay zakat for the slaves of his slaves, or for some one employed by him, or for his wife's slaves, except for anyone who serves him and whose services are indispensable to him, in which case he must pay zakat. He does not have to pay zakat for any of his slaves that are kafir and have not become muslim, whether they be for trade or otherwise."

USC-MSA web (English) reference : Book 17, Hadith 58

18 - Fasting كتاب الصيام

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, once mentioned Ramadan and said, "Do not begin the fast until you see the new moon, and do not break the fast (at the end of Ramadan) until you see it. If the new moon is obscured from you, then work out (when it should be)."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم ذَكَرَ رَمَضَانَ فَقَالَ " لاَ تَصُومُوا حَتَّى تَرَوُا الْهِلاَلَ وَلاَ تُفْطِرُوا حَتَّى تَرَوْهُ فَإِنْ غُمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ " .

USC-MSA web (English) reference : Book 18, Hadith 1
Arabic reference : Book 18, Hadith 633

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "A month has twenty-nine days in it. Do not start the fast or break it until you see the new moon. If the new moon is obscured from you, then work out (when it should be)."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلاَ تَصُومُوا حَتَّى تَرَوُا الْهِلاَلَ وَلاَ تُفْطِرُوا حَتَّى تَرَوْهُ فَإِنْ غُمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ " .

USC-MSA web (English) reference : Book 18, Hadith 2
Arabic reference : Book 18, Hadith 634

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili from Abdullah ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, once mentioned Ramadan and said, "Do not start the fast or break it until you see the new moon. If the new moon is obscured from you, then complete a full thirty days."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم ذَكَرَ رَمَضَانَ فَقَالَ " لاَ تَصُومُوا حَتَّى تَرَوُا الْهِلاَلَ وَلاَ تُفْطِرُوا حَتَّى تَرَوْهُ فَإِنْ غُمَّ عَلَيْكُمْ فَأَكْمِلُوا الْعِدَّةَ ثَلاَثِينَ " .

USC-MSA web (English) reference : Book 18, Hadith 3
Arabic reference : Book 18, Hadith 635

Yahya related to me from Malik that he had heard that once in the time of Uthman ibn Affan the new moon had been seen in the afternoon and Uthman did not break his fast until evening had come and the sun had set.

Yahya said that he had heard Malik say that some one who sees the new moon of Ramadan when he is on his own should start the fast and not break it if he knows that that day is part of Ramadan. He added, "Some one who sees the new moon of Shawwal when he is on his own does not break the fast, because people suspect the reliability of someone among them who breaks the fast. Such people should say, when they sight the new moon, 'We have seen the new moon.' Whoever sees the new moon of Shawwal during the day should not break his fast but should continue fasting for the rest of that day. This is because it is really the new moon of the night that is coming ."
Yahya said that he heard Malik say, "If people are fasting on the day of Fitr thinking that it is still Ramadan and then definite evidence comes to them that the new moon of Ramadan had been seen one day before they began to fast and that they are now into the thirty- first day, then they should break the fast on that day at whatever time the news comes to them. However, they do not pray the id prayer if they hear the news after the sun has begun to decline."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ الْهِلاَلَ، رُئِيَ فِي زَمَانِ عُثْمَانَ بْنِ عَفَّانَ بِعَشِيٍّ فَلَمْ يُفْطِرْ عُثْمَانُ حَتَّى أَمْسَى وَغَابَتِ الشَّمْسُ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ فِي الَّذِي يَرَى هِلاَلَ رَمَضَانَ وَحْدَهُ أَنَّهُ يَصُومُ لاَ يَنْبَغِي لَهُ أَنْ يُفْطِرَ وَهُوَ يَعْلَمُ أَنَّ ذَلِكَ الْيَوْمَ مِنْ رَمَضَانَ . قَالَ وَمَنْ رَأَى هِلاَلَ شَوَّالٍ وَحْدَهُ فَإِنَّهُ لاَ يُفْطِرُ لأَنَّ النَّاسَ يَتَّهِمُونَ عَلَى أَنْ يُفْطِرَ مِنْهُمْ مَنْ لَيْسَ مَأْمُونًا وَيَقُولُ أُولَئِكَ إِذَا ظَهَرَ عَلَيْهِمْ قَدْ رَأَيْنَا الْهِلاَلَ وَمَنْ رَأَى هِلاَلَ شَوَّالٍ نَهَارًا فَلاَ يُفْطِرْ وَيُتِمُّ صِيَامَ يَوْمِهِ ذَلِكَ فَإِنَّمَا هُوَ هِلاَلُ اللَّيْلَةِ الَّتِي تَأْتِي . قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا يَقُولُ إِذَا صَامَ النَّاسُ يَوْمَ الْفِطْرِ - وَهُمْ يَظُنُّونَ أَنَّهُ مِنْ رَمَضَانَ - فَجَاءَهُمْ ثَبَتٌ أَنَّ هِلاَلَ رَمَضَانَ قَدْ رُئِيَ قَبْلَ أَنْ يَصُومُوا بِيَوْمٍ وَأَنَّ يَوْمَهُمْ ذَلِكَ أَحَدٌ وَثَلاَثُونَ فَإِنَّهُمْ يُفْطِرُونَ فِي ذَلِكَ الْيَوْمِ أَيَّةَ سَاعَةٍ جَاءَهُمُ الْخَبَرُ غَيْرَ أَنَّهُمْ لاَ يُصَلُّونَ صَلاَةَ الْعِيدِ إِنْ كَانَ ذَلِكَ جَاءَهُمْ بَعْدَ زَوَالِ الشَّمْسِ .

USC-MSA web (English) reference : Book 18, Hadith 4
Arabic reference : Book 18, Hadith 636

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Only some one who makes the intention to fast before dawn (actually) fasts."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ لاَ يَصُومُ إِلاَّ مَنْ أَجْمَعَ الصِّيَامَ قَبْلَ الْفَجْرِ .

USC-MSA web (English) reference : Book 18, Hadith 5
Arabic reference : Book 18, Hadith 637

Yahya related to me from Malik from Ibn Shihab that A'isha and Hafsa, the wives of the Prophet, may Allah bless him and grant him peace, also said that.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَائِشَةَ، وَحَفْصَةَ، زَوْجَىِ النَّبِيِّ صلى الله عليه وسلم بِمِثْلِ ذَلِكَ .

USC-MSA web (English) reference : Book 18, Hadith 5
Arabic reference : Book 18, Hadith 638

Yahya related to me from Malik from Abu Hazim ibn Dinar from Sahl ibn Sad as Saidi that the Messenger of Allah, may Allah bless him and grant him peace, said, "People will remain in good as long as they are quick to break the fast."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي حَازِمِ بْنِ دِينَارٍ، عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَزَالُ النَّاسُ بِخَيْرٍ مَا عَجَّلُوا الْفِطْرَ " .

USC-MSA web (English) reference : Book 18, Hadith 6
Arabic reference : Book 18, Hadith 639

Yahya related to me from Malik from Abd ar-Rahman ibn Harmala al- Aslami from Said ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, said, "People will remain in good as long as they are quick to break the fast."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ الأَسْلَمِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَزَالُ النَّاسُ بِخَيْرٍ مَا عَجَّلُوا الْفِطْرَ " .

USC-MSA web (English) reference : Book 18, Hadith 7
Arabic reference : Book 18, Hadith 640

Yahya related to me from Malik from Ibn Shihab from Humayd ibn Abd ar-Rahman that Umar ibn al-Khattab and Uthman ibn Affan would pray maghrib when they saw the night darkening, before they broke their fast, and that was during Ramadan.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَعُثْمَانَ بْنَ عَفَّانَ، كَانَا يُصَلِّيَانِ الْمَغْرِبَ حِينَ يَنْظُرَانِ إِلَى اللَّيْلِ الأَسْوَدِ قَبْلَ أَنْ يُفْطِرَا ثُمَّ يُفْطِرَانِ بَعْدَ الصَّلاَةِ وَذَلِكَ فِي رَمَضَانَ .

USC-MSA web (English) reference : Book 18, Hadith 8
Arabic reference : Book 18, Hadith 641

Yahya related to me from Malik from Abdullah ibn Abd ar-Rahman ibn Mamar al-Ansari from Abu Yunus, the mawla of A'isha, from A'isha that she overheard a man standing at the door saying to the Messenger of Allah, may Allah bless him and grant him peace, "Messenger of Allah, I get up in the morning junub, in a state of major ritual impurity, and want to fast," and the Messenger of Allah, may Allah bless him and grant him peace, said, "I too get up in the morning junub and want to fast, so I do ghusl and fast." The man said to him, "You are not the same as us. Allah has forgiven you all your wrong actions that have gone before and those that have come after." The Messenger of Allah, may Allah bless him and grant him peace, got angry and said, "By Allah, I hope that I am the most fearful of you with respect to Allah and the most knowledgeable of you in how I have taqwa."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ مَعْمَرٍ الأَنْصَارِيِّ، عَنْ أَبِي يُونُسَ، مَوْلَى عَائِشَةَ عَنْ عَائِشَةَ، أَنَّ رَجُلاً، قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم وَهُوَ وَاقِفٌ عَلَى الْبَابِ وَأَنَا أَسْمَعُ يَا رَسُولَ اللَّهِ إِنِّي أُصْبِحُ جُنُبًا وَأَنَا أُرِيدُ الصِّيَامَ . فَقَالَ صلى الله عليه وسلم " وَأَنَا أُصْبِحُ جُنُبًا وَأَنَا أُرِيدُ الصِّيَامَ فَأَغْتَسِلُ وَأَصُومُ " . فَقَالَ لَهُ الرَّجُلُ يَا رَسُولَ اللَّهِ إِنَّكَ لَسْتَ مِثْلَنَا قَدْ غَفَرَ اللَّهُ لَكَ مَا تَقَدَّمَ مِنْ ذَنْبِكَ وَمَا تَأَخَّرَ . فَغَضِبَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَقَالَ " وَاللَّهِ إِنِّي لأَرْجُو أَنْ أَكُونَ أَخْشَاكُمْ لِلَّهِ وَأَعْلَمَكُمْ بِمَا أَتَّقِي " .

USC-MSA web (English) reference : Book 18, Hadith 9
Arabic reference : Book 18, Hadith 642

Yahya related to me from Malik from Abd Rabbih ibn Said from Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham from A'isha and Umm Salama, the wives of the Prophet, may Allah bless him and grant him peace, that the Prophet, may Allah bless him and grant him peace, used to get up in the morning junub from intercourse, not a dream, in Ramadan, and then he would fast."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ رَبِّهِ بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ عَائِشَةَ، وَأُمِّ سَلَمَةَ زَوْجَيِ النَّبِيِّ صلى الله عليه وسلم أَنَّهُمَا قَالَتَا كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يُصْبِحُ جُنُبًا مِنْ جِمَاعٍ غَيْرِ احْتِلاَمٍ فِي رَمَضَانَ ثُمَّ يَصُومُ .

USC-MSA web (English) reference : Book 18, Hadith 10
Arabic reference : Book 18, Hadith 643

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham that he heard Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham say, "My father and I were with Marwan ibn al Hakam at the time when he was amir of Madina, and someone mentioned to him that Abu Hurayra used to say, 'If someone begins the morning junub, he has broken the fast for that day.' Marwan said, 'I swear to you, Abdar-Rahman, you must go to the two umm al muminin, A'isha and Umm Salama, and ask them about it.'

''Abd ar-Rahman went to visit A'isha and I accompanied him. He greeted her and then said, 'Umm al-muminin, we were with Marwan ibn al Hakam and someone mentioned to him that Abu Hurayra used to say that if some one had begun the morning junub, he had broken the fast for that day.' A'isha said, 'It is not as Abu Hurayra says Abd ar-Rahman. Do you dislike what the Messenger of Allah, may Allah bless him and grant him peace, used to do?', and Abd ar-Rahman said, 'No, by Allah.' A'isha said, 'I bear witness that the Messenger of Allah, may Allah bless him and grant him peace, used to get up in the morning junub from intercourse, not a dream, and would then fast for that day.' "

He continued, "Then we went and visited Umm Salama, and Abd ar- Rahman asked her about the same matter and she said the same as A'isha had said. Then we went off until we came to Marwan ibn al-Hakam Abd ar-Rahman told him what they had both said and Marwan said, 'I swear to you, Abu Muhammad, you must use the mount which is at the door, and go to Abu Hurayra, who is on his land at al Aqiq, and tell him this.' So Abd ar-Rahman rode off, and I went with him, until we came to Abu Hurayra. Abd ar-Rahman talked with him for a while, and then mentioned the matter to him, and Abu Hurayra said, 'I don't know anything about it. I was just told that by someone.'"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ أَنَّهُ سَمِعَ أَبَا بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، يَقُولُ كُنْتُ أَنَا وَأَبِي، عِنْدَ مَرْوَانَ بْنِ الْحَكَمِ - وَهُوَ أَمِيرُ الْمَدِينَةِ - فَذُكِرَ لَهُ أَنَّ أَبَا هُرَيْرَةَ يَقُولُ مَنْ أَصْبَحَ جُنُبًا أَفْطَرَ ذَلِكَ الْيَوْمَ . فَقَالَ مَرْوَانُ أَقْسَمْتُ عَلَيْكَ يَا عَبْدَ الرَّحْمَنِ لَتَذْهَبَنَّ إِلَى أُمَّىِ الْمُؤْمِنِينَ عَائِشَةَ وَأُمِّ سَلَمَةَ فَلَتَسْأَلَنَّهُمَا عَنْ ذَلِكَ فَذَهَبَ عَبْدُ الرَّحْمَنِ وَذَهَبْتُ مَعَهُ حَتَّى دَخَلْنَا عَلَى عَائِشَةَ فَسَلَّمَ عَلَيْهَا ثُمَّ قَالَ يَا أُمَّ الْمُؤْمِنِينَ إِنَّا كُنَّا عِنْدَ مَرْوَانَ بْنِ الْحَكَمِ فَذُكِرَ لَهُ أَنَّ أَبَا هُرَيْرَةَ يَقُولُ مَنْ أَصْبَحَ جُنُبًا أَفْطَرَ ذَلِكَ الْيَوْمَ . قَالَتْ عَائِشَةُ لَيْسَ كَمَا قَالَ أَبُو هُرَيْرَةَ يَا عَبْدَ الرَّحْمَنِ أَتَرْغَبُ عَمَّا كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَصْنَعُ فَقَالَ عَبْدُ الرَّحْمَنِ لاَ وَاللَّهِ . قَالَتْ عَائِشَةُ فَأَشْهَدُ عَلَى رَسُولِ اللَّهِ صلى الله عليه وسلم أَنَّهُ كَانَ يُصْبِحُ جُنُبًا مِنْ جِمَاعٍ غَيْرِ احْتِلاَمٍ ثُمَّ يَصُومُ ذَلِكَ الْيَوْمَ . قَالَ ثُمَّ خَرَجْنَا حَتَّى دَخَلْنَا عَلَى أُمِّ سَلَمَةَ فَسَأَلَهَا عَنْ ذَلِكَ فَقَالَتْ مِثْلَ مَا قَالَتْ عَائِشَةُ . قَالَ فَخَرَجْنَا حَتَّى جِئْنَا مَرْوَانَ بْنَ الْحَكَمِ فَذَكَرَ لَهُ عَبْدُ الرَّحْمَنِ مَا قَالَتَا فَقَالَ مَرْوَانُ أَقْسَمْتُ عَلَيْكَ يَا أَبَا مُحَمَّدٍ لَتَرْكَبَنَّ دَابَّتِي فَإِنَّهَا بِالْبَابِ فَلْتَذْهَبَنَّ إِلَى أَبِي هُرَيْرَةَ فَإِنَّهُ بِأَرْضِهِ بِالْعَقِيقِ فَلْتُخْبِرَنَّهُ ذَلِكَ . فَرَكِبَ عَبْدُ الرَّحْمَنِ وَرَكِبْتُ مَعَهُ حَتَّى أَتَيْنَا أَبَا هُرَيْرَةَ فَتَحَدَّثَ مَعَهُ عَبْدُ الرَّحْمَنِ سَاعَةً ثُمَّ ذَكَرَ لَهُ ذَلِكَ فَقَالَ لَهُ أَبُو هُرَيْرَةَ لاَ عِلْمَ لِي بِذَاكَ إِنَّمَا أَخْبَرَنِيهِ مُخْبِرٌ .

USC-MSA web (English) reference : Book 18, Hadith 11
Arabic reference : Book 18, Hadith 644

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr, from Abu Bakr ibn Abd ar-Rahman that A'isha and Umm Salama, the wives of the Prophet, may Allah bless him and grant him peace, said, "The Messengerof Allah, may Allah bless him and grant him peace, used to get up in the morning junub from intercourse, not a dream, and would then fast."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرٍ عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، وَأُمِّ سَلَمَةَ زَوْجَىِ النَّبِيِّ صلى الله عليه وسلم أَنَّهُمَا قَالَتَا إِنْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم لَيُصْبِحُ جُنُبًا مِنْ جِمَاعٍ غَيْرِ احْتِلاَمٍ ثُمَّ يَصُومُ .

USC-MSA web (English) reference : Book 18, Hadith 12
Arabic reference : Book 18, Hadith 645

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that a certain man kissed his wife while he was fasting in Ramadan. This made him very anxious, and so he sent his wife to the Prophet, may Allah bless him and grant him peace, to ask him about that for him. She went in and saw Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, and mentioned the matter to her, and Umm Salama told her that the Messenger of Allah, may Allah bless him and grant him peace, used to kiss while he was fasting. So she went back and told her husband that, but it only made him find fault all the more and he said, "We are not like the Messenger of Allah, may Allah bless him and grant him peace. Allah makes permissible for the Messenger of Allah, may Allah bless him and grant him peace, whatever He wishes."

His wife then went back to Umm Salama and found the Messenger of Allah, may Allah bless him and grant him peace, with her. The Messenger of Allah, may Allah bless him and grant him peace, said, "What's the matter with this woman?", and Umm Salama told him. The Messenger of Allah, may Allah bless him and grant him peace, said, "Didn't you tell her that I do that myself?" and she said, "I told her, and she went to her husband and told him, but it only made him find fault all the more and say, 'We are not like the Messenger of Allah, may Allah bless him and grant him peace. Allah makes permissible for His Messenger, may Allah bless him and grant him peace, whatever He wishes.' " The Messenger of Allah, may Allah bless him and grant him peace, got angry and said, "By Allah, I am the one with the most taqwa of Allah of you all, and of you all the one who best knows His limits."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَجُلاً، قَبَّلَ امْرَأَتَهُ وَهُوَ صَائِمٌ فِي رَمَضَانَ فَوَجَدَ مِنْ ذَلِكَ وَجْدًا شَدِيدًا فَأَرْسَلَ امْرَأَتَهُ تَسْأَلُ لَهُ عَنْ ذَلِكَ فَدَخَلَتْ عَلَى أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم فَذَكَرَتْ ذَلِكَ لَهَا فَأَخْبَرَتْهَا أُمُّ سَلَمَةَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم يُقَبِّلُ وَهُوَ صَائِمٌ فَرَجَعَتْ فَأَخْبَرَتْ زَوْجَهَا بِذَلِكَ فَزَادَهُ ذَلِكَ شَرًّا وَقَالَ لَسْنَا مِثْلَ رَسُولِ اللَّهِ صلى الله عليه وسلم اللَّهُ يُحِلُّ لِرَسُولِ اللَّهِ صلى الله عليه وسلم مَا شَاءَ . ثُمَّ رَجَعَتِ امْرَأَتُهُ إِلَى أُمِّ سَلَمَةَ فَوَجَدَتْ عِنْدَهَا رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا لِهَذِهِ الْمَرْأَةِ " . فَأَخْبَرَتْهُ أُمُّ سَلَمَةَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَلاَّ أَخْبَرْتِيهَا أَنِّي أَفْعَلُ ذَلِكَ " . فَقَالَتْ قَدْ أَخْبَرْتُهَا فَذَهَبَتْ إِلَى زَوْجِهَا فَأَخْبَرَتْهُ فَزَادَهُ ذَلِكَ شَرًّا وَقَالَ لَسْنَا مِثْلَ رَسُولِ اللَّهِ صلى الله عليه وسلم اللَّهُ يُحِلُّ لِرَسُولِهِ صلى الله عليه وسلم مَا شَاءَ . فَغَضِبَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَقَالَ " وَاللَّهِ إِنِّي لأَتْقَاكُمْ لِلَّهِ وَأَعْلَمُكُمْ بِحُدُودِهِ " .

USC-MSA web (English) reference : Book 18, Hadith 13
Arabic reference : Book 18, Hadith 646

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin, may Allah be pleased with her, said, "The Messenger of Allah, may Allah bless him and grant him peace, used to kiss certain of his wives when fasting," and then she laughed.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، - رضى الله عنها - أَنَّهَا قَالَتْ إِنْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم لَيُقَبِّلُ بَعْضَ أَزْوَاجِهِ وَهُوَ صَائِمٌ . ثُمَّ ضَحِكَتْ .

USC-MSA web (English) reference : Book 18, Hadith 14
Arabic reference : Book 18, Hadith 647

Yahya related to me from Malik from Yahya ibn Said that Atika bint Zayd ibn Amr ibn Nufayl, the wife of Umar ibn al-Khattab, used to kiss Umar ibn al-Khattab's head while he was fasting, and he did not tell her not to.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عَاتِكَةَ ابْنَةَ زَيْدِ بْنِ عَمْرِو بْنِ نُفَيْلٍ، - امْرَأَةَ عُمَرَ بْنِ الْخَطَّابِ - كَانَتْ تُقَبِّلُ رَأْسَ عُمَرَ بْنِ الْخَطَّابِ وَهُوَ صَائِمٌ فَلاَ يَنْهَاهَا ‏.‏

USC-MSA web (English) reference : Book 18, Hadith 15
Arabic reference : Book 18, Hadith 648

Yahya related to me from Malik from Abu'n-Nadr, the mawla of Umar ibn Ubaydullah that A'isha bint Talha told him that she was once with A'isha, the wife of the Prophet, may Allah bless him and grant him peace, and her husband, who was fasting, came and visited her there. (He was Abdullah ibn Abd ar-Rahman ibn Abi Bakras-Siddiq.) A'isha said to him, "What's stopping you from coming close to your wife and kissing her and joking with her?" He said, "Can I kiss her when I am fasting?" She said, "Yes."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ أَنَّ عَائِشَةَ بِنْتَ طَلْحَةَ، أَخْبَرَتْهُ أَنَّهَا، كَانَتْ عِنْدَ عَائِشَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم فَدَخَلَ عَلَيْهَا زَوْجُهَا هُنَالِكَ وَهُوَ عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ وَهُوَ صَائِمٌ فَقَالَتْ لَهُ عَائِشَةُ مَا يَمْنَعُكَ أَنْ تَدْنُوَ مِنْ أَهْلِكَ فَتُقَبِّلَهَا وَتُلاَعِبَهَا فَقَالَ أُقَبِّلُهَا وَأَنَا صَائِمٌ قَالَتْ نَعَمْ ‏.‏

USC-MSA web (English) reference : Book 18, Hadith 16
Arabic reference : Book 18, Hadith 649

Yahya related to me from Malik from Zayd ibn Aslam that Abu Hurayra and Sad ibn Abi Waqqas used to say that someone who was fasting was allowed to kiss.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ أَبَا هُرَيْرَةَ، وَسَعْدَ بْنَ أَبِي وَقَّاصٍ، كَانَا يُرَخِّصَانِ فِي الْقُبْلَةِ لِلصَّائِمِ ‏.‏

USC-MSA web (English) reference : Book 18, Hadith 17
Arabic reference : Book 18, Hadith 650

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, would say, when she mentioned that the Messenger of Allah, used to kiss while fasting, "And who among you is more able to control himself than the Messenger of Allah, may Allah bless him and grant him peace?"

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ إِذَا ذَكَرَتْ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم يُقَبِّلُ وَهُوَ صَائِمٌ تَقُولُ وَأَيُّكُمْ أَمْلَكُ لِنَفْسِهِ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم

USC-MSA web (English) reference : Book 18, Hadith 18
Arabic reference : Book 18, Hadith 651

Yahya said that Malik said that Hisham ibn Urwa ibn az-Zubayr had said, "I do not think that kissing invites to good for people who are fasting."

قَالَ يَحْيَى قَالَ مَالِكٌ قَالَ هِشَامُ بْنُ عُرْوَةَ قَالَ عُرْوَةُ بْنُ الزُّبَيْرِ لَمْ أَرَ الْقُبْلَةَ لِلصَّائِمِ تَدْعُو إِلَى خَيْرٍ ‏.‏

USC-MSA web (English) reference : Book 18, Hadith 18
Arabic reference : Book 18, Hadith 652

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that Abdullah ibn Abbas was asked about people kissing while fasting and he said that he allowed it for old men but disapproved of it for young men.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، سُئِلَ عَنِ الْقُبْلَةِ، لِلصَّائِمِ فَأَرْخَصَ فِيهَا لِلشَّيْخِ وَكَرِهَهَا لِلشَّابِّ .

USC-MSA web (English) reference : Book 18, Hadith 19
Arabic reference : Book 18, Hadith 653

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to forbid kissing and fondling for people who were fasting .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَنْهَى عَنِ الْقُبْلَةِ، وَالْمُبَاشَرَةِ، لِلصَّائِمِ .

USC-MSA web (English) reference : Book 18, Hadith 20
Arabic reference : Book 18, Hadith 654

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Abdullah ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, left for Makka in Ramadan during the year of the conquest, and fasted until he reached al-Kadid. He then broke the fast, and so everyone else did so as well. What people used to do was act according to whatever the Messenger of Allah, may Allah bless him and grant him peace, had done most recently.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم خَرَجَ إِلَى مَكَّةَ عَامَ الْفَتْحِ فِي رَمَضَانَ فَصَامَ حَتَّى بَلَغَ الْكَدِيدَ ثُمَّ أَفْطَرَ فَأَفْطَرَ النَّاسُ وَكَانُوا يَأْخُذُونَ بِالأَحْدَثِ فَالأَحْدَثِ مِنْ أَمْرِ رَسُولِ اللَّهِ صلى الله عليه وسلم .

USC-MSA web (English) reference : Book 18, Hadith 21
Arabic reference : Book 18, Hadith 655

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, from Abu Bakr ibn Abd ar-Rahman from one of the companions of the Messenger of Allah, that the Messenger of Allah, may Allah bless him and grant him peace, ordered everyone to break the fast on the journey he made in the year of the conquest saying, "Be strong for your enemy," while the Messenger of Allah, may Allah bless him and grant him peace, kept on fasting. Abu Bakr said that the one who related this to him said, "I saw the Messenger of Allah, may Allah bless him and grant him peace, pouring water over his head at al-Arj, either from thirst or from the heat. Then some one said to the Messenger of Allah, may Allah bless him and grant him peace, 'Messenger of Allah, a group of people kept on fasting when you did.' Then when the Messenger of Allah was at al-Kadid, he asked for a drinking-bowl and drank, and everyone broke the fast."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ بَعْضِ، أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَمَرَ النَّاسَ فِي سَفَرِهِ عَامَ الْفَتْحِ بِالْفِطْرِ وَقَالَ " تَقَوَّوْا لِعَدُوِّكُمْ " . وَصَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم . قَالَ أَبُو بَكْرٍ قَالَ الَّذِي حَدَّثَنِي لَقَدْ رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم بِالْعَرْجِ يَصُبُّ الْمَاءَ

عَلَى رَأْسِهِ مِنَ الْعَطَشِ أَوْ مِنَ الْحَرِّ ثُمَّ قِيلَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم يَا رَسُولَ اللَّهِ إِنَّ طَائِفَةً مِنَ النَّاسِ قَدْ صَامُوا حِينَ صُمْتَ - قَالَ - فَلَمَّا كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِالْكَدِيدِ دَعَا بِقَدَحٍ فَشَرِبَ فَأَفْطَرَ النَّاسُ .

USC-MSA web (English) reference : Book 18, Hadith 22
Arabic reference : Book 18, Hadith 656

Yahya related to me from Malik from Humayd at-Tawil that Anas ibn Malik said, "We once travelled with the Messenger of Allah, may Allah bless him and grant him peace, in Ramadan, and those who were fasting did not find fault with those who were not, and those who were not fasting did not find fault with those who were."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ سَافَرْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي رَمَضَانَ فَلَمْ يَعِبِ الصَّائِمُ عَلَى الْمُفْطِرِ وَلاَ الْمُفْطِرُ عَلَى الصَّائِمِ .

USC-MSA web (English) reference : Book 18, Hadith 23
Arabic reference : Book 18, Hadith 657

Yahya related to me from Malik from Hisham ibn Urwa from his father that Hamza ibn Amr al-Aslami once said to the Messenger of Allah, may Allah bless him and grant him peace, "Messenger of Allah, I am a man who fasts. Can I fast when travelling?" The Messenger of Allah, may Allah bless him and grant him peace, said, "If you want you can fast, and if you want you can break the fast."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ حَمْزَةَ بْنَ عَمْرٍو الأَسْلَمِيَّ، قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم يَا رَسُولَ اللَّهِ إِنِّي رَجُلٌ أَصُومُ أَفَأَصُومُ فِي السَّفَرِ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنْ شِئْتَ فَصُمْ وَإِنْ شِئْتَ فَأَفْطِرْ " .

USC-MSA web (English) reference : Book 18, Hadith 24
Arabic reference : Book 18, Hadith 658

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used not to fast while travelling.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ لاَ يَصُومُ فِي السَّفَرِ .

USC-MSA web (English) reference : Book 18, Hadith 25
Arabic reference : Book 18, Hadith 659

Yahya related to me from Malik that Hisham ibn Urwa said, "My father, Urwa, used to travel in Ramadan, and we would travel with him, and he used to fast while we would break the fast, and he would not tell us to fast."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يُسَافِرُ فِي رَمَضَانَ وَنُسَافِرُ مَعَهُ فَيَصُومُ عُرْوَةُ وَنُفْطِرُ نَحْنُ فَلاَ يَأْمُرُنَا بِالصِّيَامِ .

USC-MSA web (English) reference : Book 18, Hadith 26
Arabic reference : Book 18, Hadith 660

27 Yahya related to me from Malik that he had heard that Umar ibn al-Khattab, if he was travelling in Ramadan and knew that he would reach Madina at the begining of the day ,would do so fasting.

Yahya said that Malik said, "Someone who is travelling and knows that he will be reaching his people in the first part of the day, and then dawn breaks before he gets there, should be fasting when he gets there."
Malik said, "Someone who intends to go away (on a journey) in Ramadan, and then dawn breaks while he is still on his land before he has left, should fast that day."
Malik said that a man who returns from a journey in Ramadan and is not fasting may have sexual intercourse with his wife if he wishes, if she is not fasting and she has just become pure after her menses.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ إِذَا كَانَ فِي سَفَرٍ فِي رَمَضَانَ فَعَلِمَ أَنَّهُ دَاخِلٌ الْمَدِينَةَ مِنْ أَوَّلِ يَوْمِهِ دَخَلَ وَهُوَ صَائِمٌ . قَالَ يَحْيَى قَالَ مَالِكٌ مَنْ كَانَ فِي سَفَرٍ فَعَلِمَ أَنَّهُ دَاخِلٌ عَلَى أَهْلِهِ مِنْ أَوَّلِ يَوْمِهِ وَطَلَعَ لَهُ الْفَجْرُ قَبْلَ أَنْ يَدْخُلَ دَخَلَ وَهُوَ صَائِمٌ . قَالَ مَالِكٌ وَإِذَا أَرَادَ أَنْ يَخْرُجَ فِي رَمَضَانَ فَطَلَعَ لَهُ الْفَجْرُ وَهُوَ بِأَرْضِهِ قَبْلَ أَنْ يَخْرُجَ فَإِنَّهُ يَصُومُ ذَلِكَ الْيَوْمَ . قَالَ مَالِكٌ فِي الرَّجُلِ يَقْدَمُ مِنْ سَفَرِهِ وَهُوَ مُفْطِرٌ وَامْرَأَتُهُ مُفْطِرَةٌ حِينَ طَهُرَتْ مِنْ حَيْضِهَا فِي رَمَضَانَ أَنَّ لِزَوْجِهَا أَنْ يُصِيبَهَا إِنْ شَاءَ .

USC-MSA web (English) reference : Book 18, Hadith 27
Arabic reference : Book 18, Hadith 661

Yahya related to me from Malik from Ibn Shihab from Hunayd ibn Abd arRahman ibn Awf from Abu Hurayra that a man broke the fast in Ramadan and the Messenger of Allah, may Allah bless him and grant him peace, ordered him to make kaffara by freeing a slave, or fasting two consecutive months, or feeding sixty poor people, and he said, "I can't do it." Someone brought a large basket of dates to the Messenger of Allah, may Allah bless him and grant him peace, and he said, "Take this and give it away as sadaqa." He said, "Messenger of Allah, there is no-ne more needy than I am." The Messenger of Allah, may Allah bless him and grant him peace, laughed until his eye-teeth appeared, and then he said, "Eat them."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَجُلاً، أَفْطَرَ فِي رَمَضَانَ فَأَمَرَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ يُكَفِّرَ بِعِتْقِ رَقَبَةٍ أَوْ صِيَامِ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ إِطْعَامِ سِتِّينَ مِسْكِينًا . فَقَالَ لاَ أَجِدُ . فَأُتِيَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِعَرَقِ تَمْرٍ . فَقَالَ " خُذْ هَذَا فَتَصَدَّقْ بِهِ " . فَقَالَ يَا رَسُولَ اللَّهِ مَا أَحَدٌ أَحْوَجَ مِنِّي . فَضَحِكَ رَسُولُ اللَّهِ صلى الله عليه وسلم حَتَّى بَدَتْ أَنْيَابُهُ ثُمَّ قَالَ " كُلْهُ " .

USC-MSA web (English) reference : Book 18, Hadith 28
Arabic reference : Book 18, Hadith 662

Yahya related to me from Malik from Ata ibn Abdullah al-Khurasani that Said ibn al-Musayyab said, "A bedouin came to the Messenger of Allah, may Allah bless him and grant him peace, beating his breast and tearing out his hair and saying, 'I am destroyed.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Why is that?', and he said, 'I had intercourse with my wife while fasting in Ramadan.' The Messenger of Allah, may Allah bless him and grant him peace, asked him, 'Are you able to free a slave?', and the man said, 'No.' Then he asked him, 'Are you able to give away a camel?', and the man replied, 'No.' He said, 'Sit own,' and someone brought a large basket of dates to the Messenger of Allah, may Allah bless him and grant him peace, and he said to the man, 'Take this and give it away as sadaqa.' The man said, 'There is no one more needy than me,' and (the Messenger of Allah, may Allah bless him and grant him peace), said, 'Eat them, and fast one day for the day when you had intercourse.' "

Malik said that Ata said that he had asked Said ibn al-Musayyab how many dates there were in that basket, and he said, "Between fifteen and twenty sas."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَطَاءِ بْنِ عَبْدِ اللَّهِ الْخُرَاسَانِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ جَاءَ أَعْرَابِيٌّ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم يَضْرِبُ نَحْرَهُ وَيَنْتِفُ شَعْرَهُ وَيَقُولُ هَلَكَ الأَبْعَدُ . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " وَمَا ذَاكَ " . فَقَالَ أَصَبْتُ أَهْلِي وَأَنَا صَائِمٌ فِي رَمَضَانَ . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " هَلْ تَسْتَطِيعُ أَنْ تُعْتِقَ رَقَبَةً " . فَقَالَ لاَ . فَقَالَ " هَلْ تَسْتَطِيعُ أَنْ تُهْدِيَ بَدَنَةً " . قَالَ لاَ . قَالَ " فَاجْلِسْ " . فَأُتِيَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِعَرَقِ تَمْرٍ فَقَالَ " خُذْ هَذَا فَتَصَدَّقْ بِهِ " . فَقَالَ مَا أَحَدٌ أَحْوَجَ مِنِّي . فَقَالَ " كُلْهُ وَصُمْ يَوْمًا مَكَانَ مَا أَصَبْتَ " . قَالَ مَالِكٌ قَالَ عَطَاءٌ فَسَأَلْتُ سَعِيدَ بْنَ الْمُسَيَّبِ كَمْ فِي ذَلِكَ الْعَرَقِ مِنَ التَّمْرِ فَقَالَ مَا بَيْنَ خَمْسَةَ عَشَرَ صَاعًا إِلَى عِشْرِينَ .

USC-MSA web (English) reference : Book 18, Hadith 29
Arabic reference : Book 18, Hadith 663

Malik said, "I have heard people of knowledge saying that the kaffara specified by the Messenger of Allah, may Allah bless him and grant him peace, for a man who has intercourse with his wife during the day in Ramadan is not due from someone who, on a day when he is making up the fast of Ramadan, breaks his fast by having intercourse with his wife, or whatever. He only has to make up for that day."

Malik said, "This is what I like most out of what I have heard about the matter."

USC-MSA web (English) reference : Book 18, Hadith 29

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to be cupped while he was fasting. Nafi said, "He later stopped doing that, and would not be cupped when he was fasting until he had broken the fast."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَحْتَجِمُ وَهُوَ صَائِمٌ - قَالَ - ثُمَّ تَرَكَ ذَلِكَ بَعْدُ فَكَانَ إِذَا صَامَ لَمْ يَحْتَجِمْ حَتَّى يُفْطِرَ .

USC-MSA web (English) reference : Book 18, Hadith 30
Arabic reference : Book 18, Hadith 664

Yahya related to me from Malik from Ibn Shihab that Sad ibn Abi Waqqas and Abdullah ibn Umar used to be cupped while they were fasting.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ سَعْدَ بْنَ أَبِي وَقَّاصٍ، وَعَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَا يَحْتَجِمَانِ وَهُمَا صَائِمَانِ .

USC-MSA web (English) reference : Book 18, Hadith 31
Arabic reference : Book 18, Hadith 665

Yahya related to me from Malik from Hisham ibn Urwa that his father used to be cupped while he was fasting and he would not then break his fast. Hisham added, "I only ever saw him being cupped when he was fasting."

Malik said, "Cupping is only disapproved of for some one who is fasting out of fear that he will become weak and if it were not for that, it would not be disapproved of. I do not think that a man who is cupped in Ramadan and does not break his fast, owes anything, and I do not say that he has to make up for the day on which he was cupped, because cupping is only disapproved of for someone fasting if his fast is endangered. I do not think that someone who is cupped, and is then well enough to keep the fast until evening, owes anything, nor does he have to make up for that day."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَحْتَجِمُ وَهُوَ صَائِمٌ ثُمَّ لاَ يُفْطِرُ . قَالَ وَمَا رَأَيْتُهُ احْتَجَمَ قَطُّ إِلاَّ وَهُوَ صَائِمٌ . قَالَ مَالِكٌ لاَ تُكْرَهُ الْحِجَامَةُ لِلصَّائِمِ إِلاَّ خَشْيَةً مِنْ أَنْ يَضْعُفَ وَلَوْلاَ ذَلِكَ لَمْ تُكْرَهْ وَلَوْ أَنَّ رَجُلاً احْتَجَمَ فِي رَمَضَانَ ثُمَّ سَلِمَ مِنْ أَنْ يُفْطِرَ لَمْ أَرَ عَلَيْهِ شَيْئًا وَلَمْ آمُرْهُ بِالْقَضَاءِ لِذَلِكَ الْيَوْمِ الَّذِي احْتَجَمَ فِيهِ لأَنَّ الْحِجَامَةَ إِنَّمَا تُكْرَهُ لِلصَّائِمِ لِمَوْضِعِ التَّغْرِيرِ بِالصِّيَامِ فَمَنِ احْتَجَمَ وَسَلِمَ مِنْ أَنْ يُفْطِرَ حَتَّى يُمْسِيَ فَلاَ أَرَى عَلَيْهِ شَيْئًا وَلَيْسَ عَلَيْهِ قَضَاءُ ذَلِكَ الْيَوْمِ .

USC-MSA web (English) reference : Book 18, Hadith 32
Arabic reference : Book 18, Hadith 666

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The day of Ashura was a day the Quraysh used to fast in the jahiliyya, and the Messenger of Allah, may Allah bless him and grant him peace, used also to fast it during the jahiliyya. Then when the Messenger of Allah, may Allah bless him and grant him peace, came to Madina he fasted it and ordered that it be fasted. Then Ramadan was made obligatory, and that became the fard instead of Ashura, but whoever wanted to, fasted it, and whoever did not want to, did not fast it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ كَانَ يَوْمُ عَاشُورَاءَ يَوْمًا تَصُومُهُ قُرَيْشٌ فِي الْجَاهِلِيَّةِ وَكَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَصُومُهُ فِي الْجَاهِلِيَّةِ فَلَمَّا قَدِمَ رَسُولُ اللَّهِ صلى الله عليه وسلم الْمَدِينَةَ صَامَهُ وَأَمَرَ بِصِيَامِهِ فَلَمَّا فُرِضَ رَمَضَانُ كَانَ هُوَ الْفَرِيضَةَ وَتُرِكَ يَوْمُ عَاشُورَاءَ فَمَنْ شَاءَ صَامَهُ وَمَنْ شَاءَ تَرَكَهُ .

USC-MSA web (English) reference : Book 18, Hadith 33
Arabic reference : Book 18, Hadith 667

Yahya related to me from Malik from Ibn Shihab that Humayd ibn Abd ar-Rahman ibn Awf heard Muawiya ibn Abi Sufyan say from the mimbar on the day of Ashura in the year in which he made the hajj, "People of Madina, where are your learned men? I heard the Messenger of Allah, may Allah bless him and grant him peace, say about this day, 'This is the day of Ashura, and fasting it has not been prescribed for you. I am fasting it, and whoever of you wants to fast it can do so, and whoever does not want to, does not have to.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّهُ سَمِعَ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ، يَوْمَ عَاشُورَاءَ عَامَ حَجَّ وَهُوَ عَلَى الْمِنْبَرِ يَقُولُ يَا أَهْلَ الْمَدِينَةِ أَيْنَ عُلَمَاؤُكُمْ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ لِهَذَا الْيَوْمِ " هَذَا يَوْمُ عَاشُورَاءَ وَلَمْ يُكْتَبْ عَلَيْكُمْ صِيَامُهُ وَأَنَا صَائِمٌ فَمَنْ شَاءَ فَلْيَصُمْ وَمَنْ شَاءَ فَلْيُفْطِرْ " .

USC-MSA web (English) reference : Book 18, Hadith 34
Arabic reference : Book 18, Hadith 668

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab had sent (the following message) to al-Harith ibn Hisham, "Tomorrow is the day of Ashura, so fast (it) and tell your family to fast (also)."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، أَرْسَلَ إِلَى الْحَارِثِ بْنِ هِشَامٍ أَنَّ غَدًا، يَوْمُ عَاشُورَاءَ فَصُمْ وَأْمُرْ أَهْلَكَ أَنْ يَصُومُوا .

USC-MSA web (English) reference : Book 18, Hadith 35
Arabic reference : Book 18, Hadith 669

Yahya related to me from Malik from Muhammad ibn Yahya ibn Habban from alAraj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, forbade fasting on two days, the day of Fitr and the day of Adha.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، . أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ صِيَامِ يَوْمَيْنِ يَوْمِ الْفِطْرِ وَيَوْمِ الأَضْحَى .

USC-MSA web (English) reference : Book 18, Hadith 36
Arabic reference : Book 18, Hadith 670

Yahya related to me from Malik that he used to hear the people of knowledge say,"There is no harm in fasting continuously as long as one breaks the fast on the days on which the Messenger of Allah, may Allah bless him and grant him peace, forbade fasting, namely, the days of Mina, the day of Adha and the day of Fitr, according to what we have heard."

Malik said, "This is what I like most out of what I have heard about the matter."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَمِعَ أَهْلَ الْعِلْمِ، يَقُولُونَ لاَ بَأْسَ بِصِيَامِ الدَّهْرِ إِذَا أَفْطَرَ الأَيَّامَ الَّتِي نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ صِيَامِهَا وَهِيَ أَيَّامُ مِنًى وَيَوْمُ الأَضْحَى وَيَوْمُ الْفِطْرِ فِيمَا بَلَغَنَا . قَالَ وَذَلِكَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 18, Hadith 37
Arabic reference : Book 18, Hadith 671

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade fasting for two days or more without breaking the fast in between. They said, "But Messenger of Allah, you practise wisal." He replied, "I am not the same as you. I am fed and given to drink."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنِ الْوِصَالِ فَقَالُوا يَا رَسُولَ اللَّهِ فَإِنَّكَ تُوَاصِلُ فَقَالَ " إِنِّي لَسْتُ كَهَيْئَتِكُمْ إِنِّي أُطْعَمُ وَأُسْقَى " .

USC-MSA web (English) reference : Book 18, Hadith 38
Arabic reference : Book 18, Hadith 672

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Beware of wisal. Beware of wisal." They said, "But you practise wisal, Messenger of Allah." He replied, "I am not the same as you. My Lord feeds me and gives me to drink."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِيَّاكُمْ وَالْوِصَالَ إِيَّاكُمْ وَالْوِصَالَ " . قَالُوا فَإِنَّكَ تُوَاصِلُ يَا رَسُولَ اللَّهِ . قَالَ " إِنِّي لَسْتُ كَهَيْئَتِكُمْ إِنِّي أَبِيتُ يُطْعِمُنِي رَبِّي وَيَسْقِينِي " .

USC-MSA web (English) reference : Book 18, Hadith 39
Arabic reference : Book 18, Hadith 673

Yahya related to me, and I (myself) heard Malik say, "The best that I have heard about some one who has to fast for two consecutive months because of having killed someone by mistake or having pronounced the dhihar form of

divorce, becoming very ill and having to break his fast, is that if he recovers from his illness and is strong enough to fast, he must not delay doing so. He continues his fast from where he left off.

Similarly, a woman who has to fast because of having killed some one by mistake should not delay resuming her fast when she has become pure after her period. She continues her fast from where she left off.
No one who, by the Book of Allah, has to fast for two consecutive months may break his fast except for a reason - illness or menstruation. He must not travel and break his fast."
Malik said, "This is the best that I have heard about the matter."

USC-MSA web (English) reference : Book 18, Hadith 40

Yahya said that he heard Malik say, "What I have heard from the people of knowledge is that if a man succumbs to an illness which makes fasting very difficult for him and exhausts him and wears him out, he can break his fast. This is the same as with a sick man in the prayer, who finds standing to be too difficult and exhausting, (and Allah knows better than the slave that it is an excuse for him and that it really cannot be described). If the man is in such a condition he prays sitting, and the deen of Allah is ease.

Allah has permitted a traveller to break the fast when travelling, and he has more strength for fasting than a sick man. Allah, the Exalted, says in His book, 'Whoever among you is ill or on a journey (must fast) a number of other days,' and Allah has thus permitted a traveller to break his fast when on a journey, and he is more capable of fasting than a sick man.

USC-MSA web (English) reference : Book 18, Hadith 41

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab was asked whether a man who had vowed to fast a month could fast voluntarily, and Said said, "He should fulfil his vow before he does any voluntary fasting."

Malik said, "I have heard the same thing from Sulayman ibn Yasar."
Malik said, "If someone dies with an unfulfilled vow to free a slave or to fast or to give sadaqa or to give away a camel, and makes a bequest that his vow should be fulfilled from his estate, then the sadaqa or the gift of the camel are taken from one third of his estate. Preference is given to it over other bequests, except things of a similar nature, because by his vow it has become incumbent on him, and this is not the case with something he donates voluntarily. They (vows and voluntary donations) are settled from a limited one-third of his estate, and not from the whole of it, since if the dying man were free to dispose of all of his estate, he might delay settling what had become incumbent on him (i.e. his vows), so that when death came and the estate passed into the hands of his heirs, he would have bequeathed such things (i.e. his vows) that were not claimed by anyone (like debts). If that (i.e. to dispose freely of his property) were allowed him, he would delay these things (i.e. his vows) until when he was near death, he would designate them and they might take up all of his estate. He must not do that."

حَدَّثَنِي يَحْيَى عَنْ مَالِك أَنَّهُ بَلَغَهُ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ أَنَّهُ سُئِلَ عَنْ رَجُلٍ نَذَرَ صِيَامَ شَهْرٍ هَلْ لَهُ أَنْ يَتَطَوَّعَ فَقَالَ سَعِيدٌ لِيَبْدَأْ بِالنَّذْرِ قَبْلَ أَنْ يَتَطَوَّعَ قَالَ مَالِك وَبَلَغَنِي عَنْ سُلَيْمَانَ بْنِ يَسَارٍ مِثْلُ ذَلِكَ قَالَ مَالِك مَنْ مَاتَ وَعَلَيْهِ نَذْرٌ مِنْ رَقَبَةٍ يُعْتِقُهَا أَوْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ بَدَنَةٍ فَأَوْصَى بِأَنْ يُوَفَّى ذَلِكَ عَنْهُ مِنْ مَالِهِ فَإِنَّ الصَّدَقَةَ وَالْبَدَنَةَ فِي ثُلُثِهِ وَهُوَ يُبَدَّى عَلَى مَا سِوَاهُ مِنْ الْوَصَايَا إِلَّا مَا كَانَ مِثْلَهُ وَذَلِكَ أَنَّهُ لَيْسَ الْوَاجِبُ عَلَيْهِ مِنْ النُّذُورِ وَغَيْرِهَا كَهَيْئَةِ مَا يَتَطَوَّعُ بِهِ مِمَّا لَيْسَ بِوَاجِبٍ وَإِنَّمَا يُجْعَلُ ذَلِكَ فِي ثُلُثِهِ خَاصَّةً دُونَ رَأْسِ مَالِهِ لِأَنَّهُ لَوْ جَازَ لَهُ ذَلِكَ فِي رَأْسِ مَالِهِ لَأَخَّرَ الْمُتَوَفَّى مِثْلَ ذَلِكَ مِنْ الْأُمُورِ الْوَاجِبَةِ عَلَيْهِ حَتَّى إِذَا حَضَرَتْهُ الْوَفَاةُ

وَصَارَ الْمَالُ لِوَرَثَتِهِ سَمَّى مِثْلَ هَذِهِ الْأَشْيَاءِ الَّتِي لَمْ يَكُنْ يَتَقَاضَاهَا مِنْهُ مُتَقَاضٍ فَلَوْ كَانَ ذَلِكَ جَائِزًا لَهُ أَخَّرَ هَذِهِ الْأَشْيَاءَ حَتَّى إِذَا كَانَ عِنْدَ مَوْتِهِ سَمَّاهَا وَعَسَى أَنْ يُحِيطَ بِجَمِيعِ مَالِهِ فَلَيْسَ ذَلِكَ لَهُ

USC-MSA web (English) reference : Book 18, Hadith 42
Arabic reference : Book 18, Hadith 674

Yahya related to me from Malik that he had heard that Abdullah ibn Umar used to be asked, "an some one fast for some one else, or do the prayer for some one else?" and he would reply, "No one can fast or do the prayer for anyone else."

وَحَدَّثَنِي عَنْ مَالِك أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ كَانَ يُسْأَلُ هَلْ يَصُومُ أَحَدٌ عَنْ أَحَدٍ أَوْ يُصَلِّي أَحَدٌ عَنْ أَحَدٍ فَيَقُولُ لَا يَصُومُ أَحَدٌ عَنْ أَحَدٍ وَلَا يُصَلِّي أَحَدٌ عَنْ أَحَدٍ

USC-MSA web (English) reference : Book 18, Hadith 43
Arabic reference : Book 18, Hadith 674

قَالَ مَالِكٌ وَبَلَغَنِي عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، مِثْلُ ذَلِكَ . قَالَ مَالِكٌ مَنْ مَاتَ وَعَلَيْهِ نَذْرٌ مِنْ رَقَبَةٍ يُعْتِقُهَا أَوْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ بَدَنَةٍ فَأَوْصَى بِأَنْ يُوَفَّى ذَلِكَ عَنْهُ مِنْ مَالِهِ فَإِنَّ الصَّدَقَةَ وَالْبَدَنَةَ فِي ثُلُثِهِ وَهُوَ يُبَدَّى عَلَى مَا سِوَاهُ مِنَ الْوَصَايَا إِلاَّ مَا كَانَ مِثْلَهُ وَذَلِكَ أَنَّهُ لَيْسَ الْوَاجِبُ عَلَيْهِ مِنَ النُّذُورِ وَغَيْرِهَا كَهَيْئَةِ مَا يَتَطَوَّعُ بِهِ مِمَّا لَيْسَ بِوَاجِبٍ وَإِنَّمَا يُجْعَلُ ذَلِكَ فِي ثُلُثِهِ خَاصَّةً دُونَ رَأْسِ مَالِهِ لأَنَّهُ لَوْ جَازَ لَهُ ذَلِكَ فِي رَأْسِ مَالِهِ لأَخَّرَ الْمُتَوَفَّى مِثْلَ ذَلِكَ مِنَ الأُمُورِ الْوَاجِبَةِ عَلَيْهِ حَتَّى إِذَا حَضَرَتْهُ الْوَفَاةُ وَصَارَ الْمَالُ لِوَرَثَتِهِ سَمَّى مِثْلَ هَذِهِ الأَشْيَاءِ الَّتِي لَمْ يَكُنْ يَتَقَاضَاهَا مِنْهُ مُتَقَاضٍ فَلَوْ كَانَ ذَلِكَ جَائِزًا لَهُ أَخَّرَ هَذِهِ الأَشْيَاءَ حَتَّى إِذَا كَانَ عِنْدَ مَوْتِهِ سَمَّاهَا وَعَسَى أَنْ يُحِيطَ بِجَمِيعِ مَالِهِ فَلَيْسَ ذَلِكَ لَهُ .

Arabic reference : Book 18, Hadith 675

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُسْأَلُ هَلْ يَصُومُ أَحَدٌ عَنْ أَحَدٍ، أَوْ يُصَلِّي أَحَدٌ عَنْ أَحَدٍ، فَيَقُولُ لاَ يَصُومُ أَحَدٌ عَنْ أَحَدٍ، وَلاَ يُصَلِّي أَحَدٌ عَنْ أَحَدٍ.

Arabic reference : Book 18, Hadith 676

Yahya related to me from Malik from Zayd ibn Aslam from his brother Khalid ibn Aslam that Umar ibn al-Khattab once broke thefast on a cloudy day thinking that evening had come and the sun had set. Then a man came to him and said, "Amir al-muminin, the sun has come out," and Umar said, "That's an easy matter. It was our deduction (ijtihad)."

Malik said, "According to what we think, and Allah knows best, what he was referring to when he said, 'That's an easy matter' was making up the fast, and how slight the effort involved was and how easy it was. He was saying (in effect), 'We will fast another day in its place.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَخِيهِ، خَالِدِ بْنِ أَسْلَمَ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، أَفْطَرَ ذَاتَ يَوْمٍ فِي رَمَضَانَ فِي يَوْمٍ ذِي غَيْمٍ وَرَأَى أَنَّهُ قَدْ أَمْسَى وَغَابَتِ الشَّمْسُ . فَجَاءَهُ رَجُلٌ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ طَلَعَتِ الشَّمْسُ . فَقَالَ عُمَرُ الْخَطْبُ يَسِيرٌ وَقَدِ اجْتَهَدْنَا . قَالَ مَالِكٌ يُرِيدُ بِقَوْلِهِ الْخَطْبُ يَسِيرٌ الْقَضَاءَ فِيمَا نُرَى - وَاللَّهُ أَعْلَمُ - وَخِفَّةَ مَؤُونَتِهِ وَيَسَارَتِهِ يَقُولُ نَصُومُ يَوْمًا مَكَانَهُ .

USC-MSA web (English) reference : Book 18, Hadith 44
Arabic reference : Book 18, Hadith 677

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Someone who breaks the fast in Ramadan because he is ill or travelling should make up the days he has missed consecutively."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ يَصُومُ قَضَاءَ رَمَضَانَ مُتَتَابِعًا مَنْ أَفْطَرَهُ مِنْ مَرَضٍ أَوْ فِي سَفَرٍ .

USC-MSA web (English) reference : Book 18, Hadith 45
Arabic reference : Book 18, Hadith 678

Yahya related to me from Malik from Ibr Shihab that Abdullah ibn Abbas and Abu Hurayra differed about making up days missed in Ramadan. One of them said that they were done separately and the other said that they were done consecutively. He did not know which one of them it was who said that they were done separately.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، وَأَبَا، هُرَيْرَةَ اخْتَلَفَا فِي قَضَاءِ رَمَضَانَ فَقَالَ أَحَدُهُمَا يُفَرِّقُ بَيْنَهُ . وَقَالَ الآخَرُ لاَ يُفَرِّقُ بَيْنَهُ . لاَ أَدْرِي أَيَّهُمَا قَالَ يُفَرِّقُ بَيْنَهُ .

USC-MSA web (English) reference : Book 18, Hadith 46
Arabic reference : Book 18, Hadith 679

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "If some one makes himself vomit while he is fasting he has to make up a day, but if he cannot help vomiting he does not have to make up anything."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ مَنِ اسْتَقَاءَ وَهُوَ صَائِمٌ فَعَلَيْهِ الْقَضَاءُ وَمَنْ ذَرَعَهُ الْقَىْءُ فَلَيْسَ عَلَيْهِ الْقَضَاءُ .

USC-MSA web (English) reference : Book 18, Hadith 47
Arabic reference : Book 18, Hadith 680

Yahya related to me from Malik from Yahya ibn Said that he heard Said ibn al Musayyab being asked about making up days missed in Ramadan, and Said said, "What I like best is for days missed in Ramadan to be made up consecutively, and not separately."

Yahya said that he had heard Malik say, about some one who made up the days he had missed in Ramadan separately, that he did not have to repeat them. (What he had done) was enough for him. It was, however, preferable, if he did them consecutively.
Malik said, "Whoever eats or drinks thoughtlessly or forgetfully in Ramadan or during any other obligatory fast that he must do, has to fast another day in its place."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يُسْأَلُ عَنْ قَضَاءِ، رَمَضَانَ فَقَالَ سَعِيدٌ أَحَبُّ إِلَىَّ أَنْ لاَ يُفَرَّقَ قَضَاءُ رَمَضَانَ وَأَنْ يُوَاتَرَ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ فِيمَنْ فَرَّقَ قَضَاءَ رَمَضَانَ فَلَيْسَ عَلَيْهِ إِعَادَةٌ وَذَلِكَ مُجْزِئٌ عَنْهُ

وَأَحَبُّ ذَلِكَ إِلَيَّ أَنْ يُتَابِعَهُ . قَالَ مَالِكٌ مَنْ أَكَلَ أَوْ شَرِبَ فِي رَمَضَانَ سَاهِيًا أَوْ نَاسِيًا أَوْ مَا كَانَ مِنْ صِيَامٍ وَاجِبٍ عَلَيْهِ أَنَّ عَلَيْهِ قَضَاءَ يَوْمٍ مَكَانَهُ .

USC-MSA web (English) reference : Book 18, Hadith 48
Arabic reference : Book 18, Hadith 681

Yahya related to me from Malik that Humayd ibn Oays al-Makki told him, "I was with Mujahid while he was performing tawaf around the Kaba, and a man came to him and asked whether the days (of fasting) for kaffara had to be fasted consecutively, or could they be split up. I said to him, 'Yes, they can be split up, if the person so wishes.' Mujahid said, 'He should not split them up, because in Ubayy ibn Kab's recitation they are referred to as three consecutive days.' "

Malik said, "What I like most is what Allah has specified in the Qur'an, that is, that they are fasted consecutively."
Malik was asked about a woman who began the day fasting in Ramadan and though it was outside of the time of her period, fresh blood (i.e. not menstrual blood) flowed from her. She then waited until evening to see the same, but did not see anything.Then, on the next day in the morning she had anotherflow, though less than the first. Then, some days before her period, the flow stopped completely. Malik was asked what she should do about her fasting and prayer, and he said, "This blood is like menstrual blood. When she sees it she should break her fast, and then make up the days she has missed. Then, when the blood has completely stopped, she should do ghusl and fast."
Malik was asked whether someone who became muslim on the last day of Ramadan had to make up all of Ramadan or whether he just had to make up the day when he became muslim, and he said, "He does not have to make up any of the days that have passed. He begins fasting from that day onwards. What I like most is that he makes up the day on which he became muslim."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدِ بْنِ قَيْسٍ الْمَكِّيِّ، أَنَّهُ أَخْبَرَهُ قَالَ كُنْتُ مَعَ مُجَاهِدٍ وَهُوَ يَطُوفُ بِالْبَيْتِ فَجَاءَهُ إِنْسَانٌ فَسَأَلَهُ عَنْ صِيَامِ أَيَّامِ الْكَفَّارَةِ أَمُتَتَابِعَاتٍ أَمْ يَقْطَعُهَا قَالَ حُمَيْدٌ فَقُلْتُ لَهُ نَعَمْ يَقْطَعُهَا إِنْ شَاءَ . قَالَ مُجَاهِدٌ لاَ يَقْطَعُهَا فَإِنَّهَا فِي قِرَاءَةِ أُبَىِّ بْنِ كَعْبٍ ثَلاَثَةِ أَيَّامٍ مُتَتَابِعَاتٍ . قَالَ مَالِكٌ وَأَحَبُّ إِلَيَّ أَنْ يَكُونَ مَا سَمَّى اللَّهُ فِي الْقُرْآنِ يُصَامُ مُتَتَابِعًا . وَسُئِلَ مَالِكٌ عَنِ الْمَرْأَةِ تُصْبِحُ صَائِمَةً فِي رَمَضَانَ فَتَدْفَعُ دَفْعَةً مِنْ دَمٍ عَبِيطٍ فِي غَيْرِ أَوَانِ حَيْضِهَا ثُمَّ تَنْتَظِرُ حَتَّى تُمْسِيَ أَنْ تَرَى مِثْلَ ذَلِكَ فَلاَ تَرَى شَيْئًا ثُمَّ تُصْبِحُ يَوْمًا آخَرَ فَتَدْفَعُ دَفْعَةً أُخْرَى وَهِيَ دُونَ الأُولَى ثُمَّ يَنْقَطِعُ ذَلِكَ عَنْهَا قَبْلَ حَيْضَتِهَا بِأَيَّامٍ فَسُئِلَ مَالِكٌ كَيْفَ تَصْنَعُ فِي صِيَامِهَا وَصَلاَتِهَا قَالَ مَالِكٌ ذَلِكَ الدَّمُ مِنَ الْحَيْضَةِ فَإِذَا رَأَتْهُ فَلْتُفْطِرْ وَلْتَقْضِ مَا أَفْطَرَتْ فَإِذَا ذَهَبَ عَنْهَا الدَّمُ فَلْتَغْتَسِلْ وَتَصُومُ . وَسُئِلَ عَمَّنْ أَسْلَمَ فِي آخِرِ يَوْمٍ مِنْ رَمَضَانَ هَلْ عَلَيْهِ قَضَاءُ رَمَضَانَ كُلِّهِ أَوْ يَجِبُ عَلَيْهِ قَضَاءُ الْيَوْمِ الَّذِي أَسْلَمَ فِيهِ فَقَالَ لَيْسَ عَلَيْهِ قَضَاءُ مَا مَضَى وَإِنَّمَا يَسْتَأْنِفُ الصِّيَامَ فِيمَا يُسْتَقْبَلُ وَأَحَبُّ إِلَيَّ أَنْ يَقْضِيَ الْيَوْمَ الَّذِي أَسْلَمَ فِيهِ .

USC-MSA web (English) reference : Book 18, Hadith 49
Arabic reference : Book 18, Hadith 682

Yahya related to me from Malik from Ibn Shihab that A'isha and Hafsa, the wives of the Prophet, may Allah bless him and grant him peace, began fasting voluntarily one morning and then food was given to them and they broke their fast with it. Then the Messenger of Allah, may Allah bless him and grant him peace, came in. A'isha said, "Hafsa asked, anticipating me in speech - she took after her father Umar - 'Messenger of Allah, A'isha and I began the morning fasting voluntarily and then food was given us and we broke the fast with it.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Fast another day in its place.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ عَائِشَةَ، وَحَفْصَةَ، زَوْجَيِ النَّبِيِّ صلى الله عليه وسلم أَصْبَحَتَا صَائِمَتَيْنِ مُتَطَوِّعَتَيْنِ فَأُهْدِيَ لَهُمَا طَعَامٌ فَأَفْطَرَتَا عَلَيْهِ فَدَخَلَ عَلَيْهِمَا رَسُولُ اللَّهِ صلى الله عليه وسلم قَالَتْ عَائِشَةُ فَقَالَتْ حَفْصَةُ وَبَدَرَتْنِي بِالْكَلاَمِ - وَكَانَتْ بِنْتَ أَبِيهَا - يَا رَسُولَ اللَّهِ إِنِّي أَصْبَحْتُ أَنَا وَعَائِشَةُ صَائِمَتَيْنِ مُتَطَوِّعَتَيْنِ فَأُهْدِيَ إِلَيْنَا طَعَامٌ فَأَفْطَرْنَا عَلَيْهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اقْضِيَا مَكَانَهُ يَوْمًا آخَرَ " .

USC-MSA web (English) reference : Book 18, Hadith 50
Arabic reference : Book 18, Hadith 683

Yahya said that he heard Malik say, "Someone who eats or drinks out of neglect or forgetfulness during a voluntary fast does not have to repeat his fast, but he should continue fasting for the rest of the day in which he eats or drinks while voluntarily fasting, and not stop fasting. Someone to whom something unexpected happens which causes him to break his fast while he is fasting voluntarily does not have to repeat his fast if he has broken it for a reason, and not simply because he decided to break his fast. Just as I do not think that someone has to repeat a voluntary prayer if he has had to stop it because of some discharge which he could prevent and which meant that he had to repeat his wudu."

Malik said, "Once a man has begun doing any of the right actions (al-amal as-saliha) such as the prayer, the fast and the hajj, or similar right actions of a voluntary nature, he should not stop until he has completed it according to what the sunna for that action is. If he says the takbir he should not stop until he has prayed two rakas. If he is fasting he should not break his fast until he has completed that day's fast. If he goes into ihram he should not return until he has completed his hajj, and if he begins doing tawaf he should not stop doing so until he has gone around the Kaba seven times. He should not stop doing any of these actions once he has started them until he has completed them, except if something happens such as illness or some other matter by which a man is excused. This is because Allah, the Blessed and Exalted, says in His Book, 'And eat and drink until the white thread becomes clear to you from the black thread of dawn, (and) then complete the fast until night-time,' (Sura 2 ayat 187), and so he must complete his fast as Allah has said. Allah, the Exalted, (also) says, 'And complete the hajj and the umra for Allah,' and so if a man were to go into ihram for a voluntary hajj having done his one obligatory hajj (on a previous occasion), he could not then stop doing his hajj having once begun it and leave ihram while in the middle of his hajj. Anyone that begins a voluntary act must complete it once he has begun doing it, just as an obligatory act must be completed . This is the best of what I have heard."

USC-MSA web (English) reference : Book 18, Hadith 50

Yahya related to me from Malik that he had heard that Anas ibn Malik used to pay fidya when he had grown old and could no longer manage to do the fast.

Malik said, "I do not consider that to do so is obligatory, but what I like most is that a man does the fast when he is strong enough. Whoever pays compensation gives one mudd of food in place of every day, using the mudd of the Prophet, may Allah bless him and grant him peace."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أَنَسَ بْنَ مَالِكٍ، كَبِرَ حَتَّى كَانَ لاَ يَقْدِرُ عَلَى الصِّيَامِ فَكَانَ يَفْتَدِي . قَالَ مَالِكٌ وَلاَ أَرَى ذَلِكَ وَاجِبًا وَأَحَبُّ إِلَىَّ أَنْ يَفْعَلَهُ إِذَا كَانَ قَوِيًّا عَلَيْهِ فَمَنْ فَدَى فَإِنَّمَا يُطْعِمُ مَكَانَ كُلِّ يَوْمٍ مُدًّا بِمُدِّ النَّبِيِّ صلى الله عليه وسلم .

USC-MSA web (English) reference : Book 18, Hadith 51
Arabic reference : Book 18, Hadith 684

Yahya related to me from Malik that he had heard that Abdullah ibn Umar was asked about what a pregnant woman should do if the fast became difficult for her and she feared for her child, and he said, "She should break the fast and

feed a poor man one mudd of wheat in place of every day, using the mudd of the Prophet, may Allah bless him and grant him peace."

Malik said, "The people of knowledge consider that she has to make up for each day of the fast that she misses as Allah, the Exalted and Glorified, says, 'And whoever of you is sick or on a journey should fast an equal number of other days, ' and they consider her pregnancy and her concern for her child as a sickness."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، سُئِلَ عَنِ الْمَرْأَةِ الْحَامِلِ، إِذَا خَافَتْ عَلَى وَلَدِهَا وَاشْتَدَّ عَلَيْهَا الصِّيَامُ قَالَ تُفْطِرُ وَتُطْعِمُ مَكَانَ كُلِّ يَوْمٍ مِسْكِينًا مُدًّا مِنْ حِنْطَةٍ بِمُدِّ النَّبِيِّ صلى الله عليه وسلم . قَالَ مَالِكٌ وَأَهْلُ الْعِلْمِ يَرَوْنَ عَلَيْهَا الْقَضَاءَ كَمَا قَالَ اللَّهُ عَزَّ وَجَلَّ {فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} وَيَرَوْنَ ذَلِكَ مَرَضًا مِنَ الأَمْرَاضِ مَعَ الْخَوْفِ عَلَى وَلَدِهَا .

USC-MSA web (English) reference : Book 18, Hadith 52
Arabic reference : Book 18, Hadith 685

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that his father used to say, "If someone has to make up for days not fasted in Ramadan and does not do them before the next Ramadan comes although he is strong enough to do so, he should feed a poor man with a mudd of wheat for every day that he has missed, and he has to fast the days he owes as well."

Yahya related to me from Malik that he had heard the same thing from Said ibn Jubayr.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ مَنْ كَانَ عَلَيْهِ قَضَاءُ رَمَضَانَ فَلَمْ يَقْضِهِ - وَهُوَ قَوِيٌّ عَلَى صِيَامِهِ - حَتَّى جَاءَ رَمَضَانُ آخَرُ فَإِنَّهُ يُطْعِمُ مَكَانَ كُلِّ يَوْمٍ مِسْكِينًا مُدًّا مِنْ حِنْطَةٍ وَعَلَيْهِ مَعَ ذَلِكَ الْقَضَاءُ .

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ سَعِيدِ بْنِ جُبَيْرٍ، مِثْلُ ذَلِكَ .

USC-MSA web (English) reference : Book 18, Hadith 53
Arabic reference : Book 18, Hadith 686

Yahya related to me from Malik from Yahya ibn Said from Abu Salama ibn Abd ar-Rahman that he heard A'isha, the wife of the Prophet, may Allah bless him and grant him peace, say, "I used to have to make up days from Ramadan and not be able to do them until Shaban came."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّهُ سَمِعَ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم تَقُولُ إِنْ كَانَ لَيَكُونُ عَلَىَّ الصِّيَامُ مِنْ رَمَضَانَ فَمَا أَسْتَطِيعُ أَصُومُهُ حَتَّى يَأْتِيَ شَعْبَانُ

USC-MSA web (English) reference : Book 18, Hadith 54
Arabic reference : Book 18, Hadith 688

Yahya related to me from Malik that he had heard the people of knowledge telling people not to fast on the day in Shaban when there was doubt (about whether it was Shaban or Ramadan), if they intended by it the fast of Ramadan . They considered that whoever fasted on that day without having seen (the new moon) had to make up that day if it later became clear that it was part of Ramadan. They did not see any harm in voluntary fasting on that day.

Malik said, "This is what we do, and what I have seen the people of knowledge in our city doing."

USC-MSA web (English) reference : Book 18, Hadith 55

Yahya related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Ubaydullah, from Abu Salama ibn Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, used to fast for so long that we thought he would never stop fasting, and he would go without fasting for so long that we thought he would never fast again. I never saw the Messenger of Allah, may Allah bless him and grant him peace, fast for a complete month except for Ramadan, and I never saw him do more fasting in any one month than he did in Shaban.'

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَصُومُ حَتَّى نَقُولَ لاَ يُفْطِرُ وَيُفْطِرُ حَتَّى نَقُولَ لاَ يَصُومُ وَمَا رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم اسْتَكْمَلَ صِيَامَ شَهْرٍ قَطُّ إِلاَّ رَمَضَانَ وَمَا رَأَيْتُهُ فِي شَهْرٍ أَكْثَرَ صِيَامًا مِنْهُ فِي شَعْبَانَ .

USC-MSA web (English) reference : Book 18, Hadith 56
Arabic reference : Book 18, Hadith 689

Yahya related to me from Malik from Abu'z Zinad from al-A'raj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Fasting is a protection for you, so when you are fasting, do not behave obscenely or foolishly, and if any one argues with you or abuses you, say, 'I am fasting. I am fasting.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الصِّيَامُ جُنَّةٌ فَإِذَا كَانَ أَحَدُكُمْ صَائِمًا فَلاَ يَرْفُثْ وَلاَ يَجْهَلْ فَإِنِ امْرُؤٌ قَاتَلَهُ أَوْ شَاتَمَهُ فَلْيَقُلْ إِنِّي صَائِمٌ إِنِّي صَائِمٌ " .

USC-MSA web (English) reference : Book 18, Hadith 57
Arabic reference : Book 18, Hadith 690

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "By the One in Whose hand my self is, the smell of the breath of a man fasting is better with Allah than the scent of musk.' He leaves his desires and his food and drink for My sake. Fasting is for Me and I reward it. Every good action is rewarded by ten times its kind, up to seven hundred times, except fasting, which is for Me, and I reward it.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " وَالَّذِي نَفْسِي بِيَدِهِ لَخُلُوفُ فَمِ الصَّائِمِ أَطْيَبُ عِنْدَ اللَّهِ مِنْ رِيحِ الْمِسْكِ إِنَّمَا يَذَرُ شَهْوَتَهُ وَطَعَامَهُ وَشَرَابَهُ مِنْ أَجْلِي فَالصِّيَامُ لِي وَأَنَا أَجْزِي بِهِ كُلُّ حَسَنَةٍ بِعَشْرِ أَمْثَالِهَا إِلَى سَبْعِمِائَةِ ضِعْفٍ إِلاَّ الصِّيَامَ فَهُوَ لِي وَأَنَا أَجْزِي بِهِ " .

USC-MSA web (English) reference : Book 18, Hadith 58
Arabic reference : Book 18, Hadith 691

Yahya related to me from Malik from his paternal uncle Abu Suhayl ibn Malik from his father that Abu Hurayra said, "When Ramadan comes the gates of the Garden are opened and the gates of the Fire are locked, and the shayatin are chained."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ إِذَا دَخَلَ رَمَضَانُ فُتِّحَتْ أَبْوَابُ الْجَنَّةِ وَغُلِّقَتْ أَبْوَابُ النَّارِ وَصُفِّدَتِ الشَّيَاطِينُ .

USC-MSA web (English) reference : Book 18, Hadith 59

Arabic reference : Book 18, Hadith 692

Yahya related to me from Malik that he had heard that the people of knowledge did not disapprove of people fasting using tooth-sticks at any hour of the day in Ramadan, whether at the beginning or the end, nor had he heard any of the people of knowledge disapproving of or forbidding the practice.

Yahya said that he heard Malik say, about fasting for six days after breaking the fast at the end of Ramadan, that he had never seen any of the people of knowledge and fiqh fasting them. He said, "I have not heard that any of our predecessors used to do that, and the people of knowledge disapprove of it and they are afraid that it might become a bida and that common and ignorant people might join to Ramadan what does not belong to it, if they were to think that the people of knowledge had given permission for that to be done and were seen doing it.
Yahya said that he heard Malik say, "I have never heard any of the people of knowledge and fiqh and those whom people take as an example forbidding fasting on the day of jumua. Fasting on it is good, and I have seen one of the people of knowledge fasting it, and it seemed to me that he was keen to do so."

USC-MSA web (English) reference : Book 18, Hadith 60

19 - I'tikaf in Ramadan كتاب الاعتكاف

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr from Amra bint Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said,"When the Messenger of Allah, may Allah bless him and grant him peace, did itikaf he would bring his head near to me and I would comb it. He would only go into the house to relieve himself."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِذَا اعْتَكَفَ يُدْنِي إِلَىَّ رَأْسَهُ فَأُرَجِّلُهُ وَكَانَ لاَ يَدْخُلُ الْبَيْتَ إِلاَّ لِحَاجَةِ الإِنْسَانِ .

USC-MSA web (English) reference : Book 19, Hadith 1
Arabic reference : Book 19, Hadith 693

Yahya related to me from Malik from Ibn Shihab from Amra bint Abd ar-Rahman that when A'isha was doing itikaf she would only ask after sick people if she was walking and not if she was standing still.

Malik said, "A person doing itikaf should not carry out obligations of his, nor leave the mosque for them, nor should he help anyone. He should only leave the mosque to relieve himself. If he were able to go out to do things for people, visiting the sick, praying over the dead and following funeral processions would be the things with the most claim on his coming out."
Malik said, "A person doing itikaf is not doing itikaf until he avoids what some one doing itikaf should avoid, namely, visiting the sick, praying over the dead, and entering houses, except to relieve himself."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّ عَائِشَةَ، كَانَتْ إِذَا اعْتَكَفَتْ لاَ تَسْأَلُ عَنِ الْمَرِيضِ إِلاَّ وَهِيَ تَمْشِي لاَ تَقِفُ .

USC-MSA web (English) reference : Book 19, Hadith 2
Arabic reference : Book 19, Hadith 694

Yahya related to me from Malik that he had asked Ibn Shihab whether someone doing itikaf could go into a house to relieve himself, and he said, "Yes, there is no harm in that."

Malik said, "The situation that we are all agreed upon here is that there is no disapproval of anyone doing itikaf in a mosque where jumua is held. The only reason I see for disapproving of doing itikaf in a mosque where jumua is not held is that the man doing itikaf would have to leave the mosque where he was doing itikaf in order to go to jumua, or else not go there at all. If, however, he is doing itikaf in a mosque where jumua is not held, and he does not have to go to jumua in any other mosque, then I see no harm in him doing itikaf there, because Allah, the Blessed and Exalted, says, 'While you are doing itikaf in mosques,' and refers to all mosques in general, without specifying any particular kind."
Malik continued, "Accordingly, it is permissiblefor a man to do itikaf in a mosque where jumua is not held if he does not have to leave it to go to a mosque where jumua is held."
Malik said, "A person doing itikaf should spend the night only in the mosque where he is doing itikaf, except if his tent is in one of the courtyards of the mosque. I have never heard that someone doing itikaf can put up a shelter anywhere except in the mosque itself or in one of the courtyards of the mosque.

Part of what shows that he must spend the night in the mosque is the saying of A'isha, 'When the Messenger of Allah, may Allah bless him and grant him peace, was doing itikaf, he would only go into the house to relieve himself.' Nor should he do itikaf on the roof of the mosque or in the minaret."

Malik said, "The person who is going to do itikaf should enter the place where he wishes to do itikaf before the sun sets on the night when he wishes to begin his itikaf, so that he is ready to begin the itikaf at the beginning of the night when he is going to start his itikaf. A person doing itikaf should be occupied with his itikaf, and not turn his attention to other things which might occupy him, such as trading or whatever. There is no harm, however, if some one doing itikaf tells some one to do something for him regarding his estate, or the affairs of his family, or tells someone to sell some property of his, or something else that does not occupy him directly. There is no harm in him arranging for someone else to do that for him if it is a simple matter."

Malik said, "I have never heard any of the people of knowledge mentioning any modification as far as how to do itikaf is concerned. Itikaf is an act of ibada like the prayer, fasting, the hajj, and such like acts, whether they are obligatory or voluntary. Anyone who begins doing any of these acts should do them according to what has come down in the sunna. He should not start doing anything in them that the muslims have not done, whether it is a modification that he imposes on others, or one that he begins doing himself. The Messenger of Allah, may Allah bless him and grant him peace, practised itikaf, and the muslims know what the sunna of itikaf is."

Malik said, "Itikaf and jiwar are the same, and Itikaf is the same for a village-dweller as it is for a nomad."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ الرَّجُلِ، يَعْتَكِفُ هَلْ يَدْخُلُ لِحَاجَتِهِ تَحْتَ سَقْفٍ فَقَالَ نَعَمْ لاَ بَأْسَ بِذَلِكَ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا الَّذِي لاَ اخْتِلاَفَ فِيهِ أَنَّهُ لاَ يُكْرَهُ الاِعْتِكَافُ فِي كُلِّ مَسْجِدٍ يُجَمَّعُ فِيهِ وَلاَ أُرَاهُ كُرِهَ الاِعْتِكَافُ فِي الْمَسَاجِدِ الَّتِي لاَ يُجَمَّعُ فِيهَا إِلاَّ كَرَاهِيَةَ أَنْ يَخْرُجَ الْمُعْتَكِفُ مِنْ مَسْجِدِهِ الَّذِي اعْتَكَفَ فِيهِ إِلَى الْجُمُعَةِ أَوْ يَدَعَهَا فَإِنْ كَانَ مَسْجِدًا لاَ يُجَمَّعُ فِيهِ الْجُمُعَةُ وَلاَ يَجِبُ عَلَى صَاحِبِهِ إِتْيَانُ الْجُمُعَةِ فِي مَسْجِدٍ سِوَاهُ فَإِنِّي لاَ أَرَى بَأْسًا بِالاِعْتِكَافِ فِيهِ لأَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ {وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} فَعَمَّ اللَّهُ الْمَسَاجِدَ كُلَّهَا وَلَمْ يَخُصَّ شَيْئًا مِنْهَا . قَالَ مَالِكٌ فَمِنْ هُنَالِكَ جَازَ لَهُ أَنْ يَعْتَكِفَ فِي الْمَسَاجِدِ الَّتِي لاَ يُجَمَّعُ فِيهَا الْجُمُعَةُ إِذَا كَانَ لاَ يَجِبُ عَلَيْهِ أَنْ يَخْرُجَ مِنْهُ إِلَى الْمَسْجِدِ الَّذِي تُجَمَّعُ فِيهِ الْجُمُعَةُ . قَالَ مَالِكٌ وَلاَ يَبِيتُ الْمُعْتَكِفُ إِلاَّ فِي الْمَسْجِدِ الَّذِي اعْتَكَفَ فِيهِ إِلاَّ أَنْ يَكُونَ خِبَاؤُهُ فِي رَحَبَةٍ مِنْ رِحَابِ الْمَسْجِدِ وَلَمْ أَسْمَعْ أَنَّ الْمُعْتَكِفَ يَضْرِبُ بِنَاءً يَبِيتُ فِيهِ إِلاَّ فِي الْمَسْجِدِ أَوْ فِي رَحَبَةٍ مِنْ رِحَابِ الْمَسْجِدِ وَمِمَّا يَدُلُّ عَلَى أَنَّهُ لاَ يَبِيتُ إِلاَّ فِي الْمَسْجِدِ قَوْلُ عَائِشَةَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِذَا اعْتَكَفَ لاَ يَدْخُلُ الْبَيْتَ إِلاَّ لِحَاجَةِ الإِنْسَانِ . وَلاَ يَعْتَكِفُ فَوْقَ ظَهْرِ الْمَسْجِدِ وَلاَ فِي الْمَنَارِ يَعْنِي الصَّوْمَعَةَ . وَقَالَ مَالِكٌ يَدْخُلُ الْمُعْتَكِفُ الْمَكَانَ الَّذِي يُرِيدُ أَنْ يَعْتَكِفَ فِيهِ قَبْلَ غُرُوبِ الشَّمْسِ مِنَ اللَّيْلَةِ الَّتِي يُرِيدُ أَنْ يَعْتَكِفَ فِيهَا حَتَّى يَسْتَقْبِلَ بِاعْتِكَافِهِ أَوَّلَ اللَّيْلَةِ الَّتِي يُرِيدُ أَنْ يَعْتَكِفَ فِيهَا وَالْمُعْتَكِفُ مُشْتَغِلٌ بِاعْتِكَافِهِ لاَ يَعْرِضُ لِغَيْرِهِ مِمَّا يَشْتَغِلُ بِهِ مِنَ التِّجَارَاتِ أَوْ غَيْرِهَا وَلاَ بَأْسَ بِأَنْ يَأْمُرَ الْمُعْتَكِفُ بِبَعْضِ حَاجَتِهِ بِضَيْعَتِهِ وَمَصْلَحَةِ أَهْلِهِ وَأَنْ يَأْمُرَ بِبَيْعِ مَالِهِ أَوْ بِشَىْءٍ لاَ يَشْغَلُهُ فِي نَفْسِهِ فَلاَ بَأْسَ بِذَلِكَ إِذَا كَانَ خَفِيفًا أَنْ يَأْمُرَ بِذَلِكَ مَنْ يَكْفِيهِ إِيَّاهُ . قَالَ مَالِكٌ لَمْ أَسْمَعْ أَحَدًا مِنْ أَهْلِ الْعِلْمِ يَذْكُرُ فِي الاِعْتِكَافِ شَرْطًا وَإِنَّمَا الاِعْتِكَافُ عَمَلٌ مِنَ الأَعْمَالِ مِثْلُ الصَّلاَةِ وَالصِّيَامِ وَالْحَجِّ وَمَا أَشْبَهَ ذَلِكَ مِنَ الأَعْمَالِ مَا كَانَ مِنْ ذَلِكَ فَرِيضَةً أَوْ نَافِلَةً فَمَنْ دَخَلَ فِي شَىْءٍ مِنْ ذَلِكَ فَإِنَّمَا يَعْمَلُ بِمَا مَضَى مِنَ السُّنَّةِ وَلَيْسَ لَهُ أَنْ يُحْدِثَ فِي ذَلِكَ غَيْرَ مَا مَضَى عَلَيْهِ الْمُسْلِمُونَ لاَ مِنْ شَرْطٍ يَشْتَرِطُهُ وَلاَ يَبْتَدِعُهُ وَقَدِ اعْتَكَفَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَعَرَفَ الْمُسْلِمُونَ سُنَّةَ الاِعْتِكَافِ . قَالَ مَالِكٌ وَالاِعْتِكَافُ وَالْجِوَارُ سَوَاءٌ وَالاِعْتِكَافُ لِلْقَرَوِيِّ وَالْبَدَوِيِّ سَوَاءٌ .

USC-MSA web (English) reference : Book 19, Hadith 3
Arabic reference : Book 19, Hadith 695

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad and Nafi, the mawla of Abdullah ibn Umar said, "You cannot do itikaf unless you are fasting, because of what Allah, the Blessed and Exalted, says in His Book, 'And eat and drink until the white thread becomes clear to you from the black thread of dawn, then complete the fast until night-time, and do not have intercourse with them while you are doing itikaf in mosques,' (Sura 2 ayat 187). Allah only mentions itikaf together with fasting."

Malik said, "That is what we go by here."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، وَنَافِعًا، مَوْلَى عَبْدِ اللَّهِ بْنِ عُمَرَ قَالاَ لاَ اعْتِكَافَ إِلاَّ بِصِيَامٍ بِقَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى فِي كِتَابِهِ {وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُّوا الصِّيَامَ إِلَى اللَّيْلِ وَلاَ تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} فَإِنَّمَا ذَكَرَ اللَّهُ الاِعْتِكَافَ مَعَ الصِّيَامِ . قَالَ مَالِكٌ وَعَلَى ذَلِكَ الأَمْرُ عِنْدَنَا أَنَّهُ لاَ اعْتِكَافَ إِلاَّ بِصِيَامٍ .

USC-MSA web (English) reference : Book 19, Hadith 4
Arabic reference : Book 19, Hadith 696

Yahya related to me that Ziyad ibn Abd ar-Rahman said, "Malik related to us from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, that Abu Bakr ibn Abd ar-Rahman was once doing itikaf and he would go out to relieve himself in a closed room under a roofed passage in Khalid ibn Walid's house. Otherwise he did not leave his place of itikaf until he went to pray at the Id with the muslims."

حَدَّثَنِي يَحْيَى، عَنْ زِيَادِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ حَدَّثَنَا مَالِكٌ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ أَنَّ أَبَا بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ، اعْتَكَفَ فَكَانَ يَذْهَبُ لِحَاجَتِهِ تَحْتَ سَقِيفَةٍ فِي حُجْرَةٍ مُغْلَقَةٍ فِي دَارِ خَالِدِ بْنِ الْوَلِيدِ ثُمَّ لاَ يَرْجِعُ حَتَّى يَشْهَدَ الْعِيدَ مَعَ الْمُسْلِمِينَ .

USC-MSA web (English) reference : Book 19, Hadith 5
Arabic reference : Book 19, Hadith 697

Yahya related to me from Ziyad from Malik that he saw some of the people of knowledge who, when they did itikaf in the last ten days of Ramadan, would not go back to their families until they had attended the Id al-Fitr with everybody.

Ziyad said that Malik said, "I heard this from the people of excellence who have passed away, and it is what I like most out of what I have heard about the matter."

حَدَّثَنِي يَحْيَى عَنْ زِيَادٍ عَنْ مَالِكٍ أَنَّهُ رَأَى بَعْضَ أَهْلِ الْعِلْمِ إِذَا اعْتَكَفُوا الْعَشْرَ الأَوَاخِرَ مِنْ رَمَضَانَ لاَ يَرْجِعُونَ إِلَى أَهَالِيهِمْ حَتَّى يَشْهَدُوا الْفِطْرَ مَعَ النَّاسِ . قَالَ زِيَادٌ قَالَ مَالِكٌ وَبَلَغَنِي ذَلِكَ عَنْ أَهْلِ الْفَضْلِ الَّذِينَ مَضَوْا وَهَذَا أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 19, Hadith 6
Arabic reference : Book 19, Hadith 697

Ziyad related to me from Malik from Ibn Shihab from Amra bint Abd ar-Rahman from A'isha that the Messenger of Allah, may Allah bless him and grant him peace, once wanted to do itikaf, and when he went off to the place where he wanted to do itikaf he found some tents there, which were A'isha's tent, Hafsa's tent, and Zaynab's tent. When he

saw them he asked about them and someone told him that they were the tents of A'isha, Hafsa and Zaynab. The Messenger of Allah, may Allah bless him and grant him peace, said, "Do you think them devout?" Then he left, and did not do itikaf until Shawwal, when he then did it for ten days.

حَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَرَادَ أَنْ يَعْتَكِفَ فَلَمَّا انْصَرَفَ إِلَى الْمَكَانِ الَّذِي أَرَادَ أَنْ يَعْتَكِفَ فِيهِ وَجَدَ أَخْبِيَةً خِبَاءَ عَائِشَةَ وَخِبَاءَ حَفْصَةَ وَخِبَاءَ زَيْنَبَ فَلَمَّا رَآهَا سَأَلَ عَنْهَا فَقِيلَ لَهُ هَذَا خِبَاءُ عَائِشَةَ وَحَفْصَةَ وَزَيْنَبَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " آلْبِرَّ تَقُولُونَ بِهِنَّ " . ثُمَّ انْصَرَفَ فَلَمْ يَعْتَكِفْ حَتَّى اعْتَكَفَ عَشْرًا مِنْ شَوَّالٍ .

USC-MSA web (English) reference : Book 19, Hadith 7
Arabic reference : Book 19, Hadith 698

Malik was asked whether someone who went into a mosque to do itikaf for the last ten days of Ramadan and stayed there for a day or two but then became ill and left the mosque, had to do itikaf for the number of days that were left from the ten, or not, and if he did have to do so, then what month should he do it in, and he replied, "He should make up whatever he has to do of the itikaf when he recovers, whether in Ramadan or otherwise. I have heard that the Messenger of Allah, may Allah bless him and grant him peace, once wanted to do itikaf in Ramadan, but then came back without having done so, and then when Ramadan had gone, he did itikaf for ten days in Shawwal.

Some one who does itikaf voluntarily in Ramadan and some one who has to do itikaf are in the same position regarding what is halal for them and what is haram. I have not heard that the Messenger of Allah, may Allah bless him and grant him peace, ever did itikaf other than voluntarily."
Malik said, that if a woman did itikaf and then menstruated during her itikaf, she went back to her house, and, when she was pure again she returned to the mosque, at whatever time it was that she became pure. She then continued her itikaf from where she left off. This was the same situation as with a woman who had to fast two consecutive months, and who menstruated and then became pure. She then continued the fast from where she had left off and did not delay doing so.

USC-MSA web (English) reference : Book 19, Hadith 8

Ziyad related to me from Malik from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, used to go to relieve himself in houses.

Malik said, "Someone doing itikaf should not leave for his parents' funeral or for anything else."
وَحَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، . أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَذْهَبُ لِحَاجَةِ الإِنْسَانِ فِي الْبُيُوتِ . قَالَ مَالِكٌ لاَ يَخْرُجُ الْمُعْتَكِفُ مَعَ جَنَازَةِ أَبَوَيْهِ وَلاَ مَعَ غَيْرِهَا .

USC-MSA web (English) reference : Book 19, Hadith 9
Arabic reference : Book 19, Hadith 699

Malik said, "There is no harm in someone who is in itikaf entering into a marriage contract as long as there is no physical relationship. A woman in itikaf may also be betrothed as long as there is no physical relationship. What is haram for someone in itikaf in relation to his womenfolk during the day is haram for him during the night."

Yahya said that Ziyad said that Malik said, "It is not halal for a man to have intercourse with his wife while he is in itikaf, nor for him to take pleasure in her by kissing her, or whatever. However, I have not heard anyone

disapproving of a man, or woman, in itikaf getting married as long as there is no physical relationship. Marriage is not disapproved of for someone fasting."
"There is, however, a distinction between the marriage of someone in itikaf and that of someone who is muhrim, in that some one who is muhrim can eat, drink, visit the sick and attend funerals, but cannot put on perfume, whilst a man or woman in itikaf can put on oil and perfume and groom their hair, but cannot attend funerals or pray over the dead or visit the sick. Thus their situations with regard to marriage are different."
"This is the sunna as it has come down to us regarding marriage for those who are muhrim, doing itikaf, or fasting.

USC-MSA web (English) reference : Book 19, Hadith 9

Yahya related to me from Malik from Yazid ibn Abdullah ibn al- Hadi from Muhammad ibn Ibrahim al-Harith at-Taymi from Abu Salama ibn Abd ar-Rahman that Abu Said al-Khudri said, "The Messenger of Allah, may Allah bless him and grant him peace, used to do itikaf in the middle ten days of Ramadan. One year he was doing itikaf and then, when it came to the night of the twenty-first, which was the night before the morning when he would normally have finished his itikaf, he said, 'Whoever has done i'tikaf with me should continue doing itikaf for the last ten days. I saw a certain night and then I was made to forget it. I saw myself prostrating the following morning in water and clay. Look for it in the last ten days, and look for it on the odd days.' "

Abu Said continued, "The sky poured with rain that night and the mosque had a roof (made of palm fronds) and the mosque was soaked. With my own eyes I saw the Messenger of Allah, may Allah bless him and grant him peace, leave with traces of water and clay on his forehead and nose, in the morning after the night of the twenty- first."

حَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّهُ قَالَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَعْتَكِفُ الْعَشْرَ الْوُسُطَ مِنْ رَمَضَانَ فَاعْتَكَفَ عَامًا حَتَّى إِذَا كَانَ لَيْلَةَ إِحْدَى وَعِشْرِينَ وَهِيَ اللَّيْلَةُ الَّتِي يَخْرُجُ فِيهَا مِنْ صُبْحِهَا مِنَ اعْتِكَافِهِ قَالَ " مَنِ اعْتَكَفَ مَعِي فَلْيَعْتَكِفِ الْعَشْرَ الأَوَاخِرَ وَقَدْ رَأَيْتُ هَذِهِ اللَّيْلَةَ ثُمَّ أُنْسِيتُهَا وَقَدْ رَأَيْتُنِي أَسْجُدُ مِنْ صُبْحِهَا فِي مَاءٍ وَطِينٍ فَالْتَمِسُوهَا فِي الْعَشْرِ الأَوَاخِرِ وَالْتَمِسُوهَا فِي كُلِّ وِتْرٍ " . قَالَ أَبُو سَعِيدٍ فَأُمْطِرَتِ السَّمَاءُ تِلْكَ اللَّيْلَةَ وَكَانَ الْمَسْجِدُ عَلَى عَرِيشٍ فَوَكَفَ الْمَسْجِدُ - قَالَ أَبُو سَعِيدٍ - فَأَبْصَرَتْ عَيْنَاىَ رَسُولَ اللَّهِ صلى الله عليه وسلم انْصَرَفَ وَعَلَى جَبْهَتِهِ وَأَنْفِهِ أَثَرُ الْمَاءِ وَالطِّينِ مِنْ صُبْحِ لَيْلَةِ إِحْدَى وَعِشْرِينَ .

USC-MSA web (English) reference : Book 19, Hadith 10
Arabic reference : Book 19, Hadith 700

Ziyad related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "Search for Laylat al-Qadr in the last ten days of Ramadan."

وَحَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " تَحَرَّوْا لَيْلَةَ الْقَدْرِ فِي الْعَشْرِ الأَوَاخِرِ مِنْ رَمَضَانَ " .

USC-MSA web (English) reference : Book 19, Hadith 11
Arabic reference : Book 19, Hadith 701

Ziyad related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said. "Search for Laylat al-Qadr in the last seven days."

وَحَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " تَحَرَّوْا لَيْلَةَ الْقَدْرِ فِي السَّبْعِ الأَوَاخِرِ " .

USC-MSA web (English) reference : Book 19, Hadith 12
Arabic reference : Book 19, Hadith 702

Ziyad related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Ubaydullah, that Abdullah ibn Unays al-Juhani said to the Messenger of Allah, may Allah bless him and grant him peace, "Messenger of Allah, I am a man whose house is a long way away. Tell me one night so that I can stop my journey for it." The Messenger of Allah, may Allah bless him and grant him peace, said, "Stop on the twenty-third night of Ramadan."

وَحَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ أَنَّ عَبْدَ اللَّهِ بْنَ أُنَيْسٍ الْجُهَنِيَّ، قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم يَا رَسُولَ اللَّهِ إِنِّي رَجُلٌ شَاسِعُ الدَّارِ فَمُرْنِي لَيْلَةً أَنْزِلُ لَهَا . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " انْزِلْ لَيْلَةَ ثَلاَثٍ وَعِشْرِينَ مِنْ رَمَضَانَ " .

USC-MSA web (English) reference : Book 19, Hadith 13
Arabic reference : Book 19, Hadith 703

Ziyad related to me from Malik from Humayd at-Tawil that 'Anas ibn Malik said, "The Messenger of Allah, may Allah bless him and grant him peace, came out to us in Ramadan and said, 'I was shown a certain night in Ramadan and then two men abused each other and it was taken away. Look for it on the ninth and the seventh and the fifth.' "

وَحَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ خَرَجَ عَلَيْنَا رَسُولُ اللَّهِ صلى الله عليه وسلم فِي رَمَضَانَ فَقَالَ " إِنِّي أُرِيتُ هَذِهِ اللَّيْلَةَ فِي رَمَضَانَ حَتَّى تَلاَحَى رَجُلاَنِ فَرُفِعَتْ فَالْتَمِسُوهَا فِي التَّاسِعَةِ وَالسَّابِعَةِ وَالْخَامِسَةِ " .

USC-MSA web (English) reference : Book 19, Hadith 14
Arabic reference : Book 19, Hadith 704

Ziyad related to me from Malik from Nafi from Ibn 'Umar that some of the companions of the Messenger of Allah, may Allah bless him and grant him peace, were shown Laylat al-Qadr in their sleep during the last seven days. The Messenger of Allah, may Allah bless him and grant him peace, said, "I see that your visions agree about the last seven days, so whoever is searching for it should do so in the last seven days."

وَحَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّ رِجَالاً، مِنْ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم أُرُوا لَيْلَةَ الْقَدْرِ فِي الْمَنَامِ فِي السَّبْعِ الأَوَاخِرِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنِّي أَرَى رُؤْيَاكُمْ قَدْ تَوَاطَأَتْ فِي السَّبْعِ الأَوَاخِرِ فَمَنْ كَانَ مُتَحَرِّيَهَا فَلْيَتَحَرَّهَا فِي السَّبْعِ الأَوَاخِرِ " .

USC-MSA web (English) reference : Book 19, Hadith 15
Arabic reference : Book 19, Hadith 705

Ziyad related to me from Malik that he had heard a man he trusted of the people of knowledge say, "The Messenger of Allah, may Allah bless him and grant him peace, was shown the lifespans of the people (who had gone) before him, or what Allah willed of that, and it was as if the lives of the people of his community had become too short for them to be able to do as many good actions as others before them had been able to do with their long lives, so Allah gave him Laylat al- Qadr, which is better than a thousand months."

وَحَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، أَنَّهُ سَمِعَ مَنْ، يَثِقُ بِهِ مِنْ أَهْلِ الْعِلْمِ يَقُولُ إِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أُرِيَ أَعْمَارَ النَّاسِ قَبْلَهُ أَوْ مَا شَاءَ اللَّهُ مِنْ ذَلِكَ فَكَأَنَّهُ تَقَاصَرَ أَعْمَارَ أُمَّتِهِ أَنْ لاَ يَبْلُغُوا مِنَ الْعَمَلِ مِثْلَ الَّذِي بَلَغَ غَيْرُهُمْ فِي طُولِ الْعُمْرِ فَأَعْطَاهُ اللَّهُ لَيْلَةَ الْقَدْرِ خَيْرٌ مِنْ أَلْفِ شَهْرٍ ‏.‏

USC-MSA web (English) reference : Book 19, Hadith 16
Arabic reference : Book 19, Hadith 706

Ziyad related to me from Malik that he had heard that Said ibn al-Musayyab used to say, "Whoever is present at isha on Laylat al-Qadr has taken his portion from it."

وَحَدَّثَنِي زِيَادٌ، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، كَانَ يَقُولُ مَنْ شَهِدَ الْعِشَاءَ مِنْ لَيْلَةِ الْقَدْرِ فَقَدْ أَخَذَ بِحَظِّهِ مِنْهَا ‏.‏

USC-MSA web (English) reference : Book 19, Hadith 17
Arabic reference : Book 19, Hadith 707

20 - Hajj كتاب الحج

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father from Asma bint Umays that she gave birth to Muhammad ibn Abi Bakr at al-Bayda. Abu Bakr mentioned this to the Messenger of Allah, may Allah bless him and grant him peace, and he said, "Tell her to do ghusl and then enter ihram."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ أَسْمَاءَ بِنْتِ عُمَيْسٍ، أَنَّهَا وَلَدَتْ مُحَمَّدَ بْنَ أَبِي بَكْرٍ بِالْبَيْدَاءِ فَذَكَرَ ذَلِكَ أَبُو بَكْرٍ لِرَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ " مُرْهَا فَلْتَغْتَسِلْ ثُمَّ لِتُهِلَّ " .

USC-MSA web (English) reference : Book 20, Hadith 1
Arabic reference : Book 20, Hadith 708

Yahya related to me from Malik from Yahya ibn Said from Said ibn al-Musayyab that Asma bint Umays gave birth to Muhammad ibn Abi Bakr at Dhu'l-Hulayfa and Abu Bakr told her to do ghusl and then enter ihram.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ أَسْمَاءَ بِنْتَ عُمَيْسٍ، وَلَدَتْ، مُحَمَّدَ بْنَ أَبِي بَكْرٍ بِذِي الْحُلَيْفَةِ فَأَمَرَهَا أَبُو بَكْرٍ أَنْ تَغْتَسِلَ، ثُمَّ تُهِلَّ .

USC-MSA web (English) reference : Book 20, Hadith 2
Arabic reference : Book 20, Hadith 709

Yahya related to me from Malik from Nafi' that 'Abdullah ibn Umar used to do ghusl for ihram before he entered ihram, and for entering Makka, and for standing on the afternoon of 'Arafa.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَغْتَسِلُ لإِحْرَامِهِ قَبْلَ أَنْ يُحْرِمَ وَلِدُخُولِهِ مَكَّةَ وَلِوُقُوفِهِ عَشِيَّةَ عَرَفَةَ .

USC-MSA web (English) reference : Book 20, Hadith 3
Arabic reference : Book 20, Hadith 710

Yahya related to me from Malik from Zayd ibn Aslam from Ibrahim ibn Abdullah ibn Hunayn from his father Abdullah ibn Hunayn that Abdullah ibn Abbas and al-Miswar ibn Makhrama once had a disagreement at al-Abwa. Abdullah said that some one in ihram could wash his head, and al Miswar ibn Makhrama maintained that some one in ihram could not wash his head.

Abdullah ibn Hunayn continued, "Abdullah ibn Abbas sent me to Abu Ayyub al-Ansari, and I found him doing ghusl between the posts of a well, screened by a garment. I greeted him and hesaid, 'Who is that?' I replied, 'I am 'Abdullah ibn Hunayn. 'Abdullah ibn Abbas sent me to you to ask how the Messenger of Allah, may Allah bless him and grant him peace, used to wash his head when he was in ihram.' "
He continued, "Abu Ayyub put his hand on the garment and pulled it down until I could see his head. He said to the man who was pouring out the water for him, 'Pour,' and he poured some over his head. Then he passed his hands over his head from the front to the back and then to the front again, and then said, 'I saw the Messenger of Allah, may Allah bless him and grant him peace, doing it like this.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ حُنَيْنٍ، عَنْ أَبِيهِ، أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، وَالْمِسْوَرَ بْنَ مَخْرَمَةَ، اخْتَلَفَا بِالأَبْوَاءِ فَقَالَ عَبْدُ اللَّهِ يَغْسِلُ الْمُحْرِمُ رَأْسَهُ . وَقَالَ الْمِسْوَرُ بْنُ مَخْرَمَةَ لاَ يَغْسِلُ الْمُحْرِمُ رَأْسَهُ . قَالَ فَأَرْسَلَنِي عَبْدُ

اللَّهِ بْنُ عَبَّاسٍ إِلَى أَبِي أَيُّوبَ الأَنْصَارِيِّ فَوَجَدْتُهُ يَغْتَسِلُ بَيْنَ الْقَرْنَيْنِ وَهُوَ يُسْتَرُ بِثَوْبٍ فَسَلَّمْتُ عَلَيْهِ فَقَالَ مَنْ هَذَا فَقُلْتُ أَنَا عَبْدُ اللَّهِ بْنُ حُنَيْنٍ أَرْسَلَنِي إِلَيْكَ عَبْدُ اللَّهِ بْنُ عَبَّاسٍ أَسْأَلُكَ كَيْفَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَغْسِلُ رَأْسَهُ وَهُوَ مُحْرِمٌ قَالَ فَوَضَعَ أَبُو أَيُّوبَ يَدَهُ عَلَى الثَّوْبِ فَطَأْطَأَهُ حَتَّى بَدَا لِي رَأْسُهُ ثُمَّ قَالَ لإِنْسَانٍ يَصُبُّ عَلَيْهِ اصْبُبْ . فَصَبَّ عَلَى رَأْسِهِ ثُمَّ حَرَّكَ رَأْسَهُ بِيَدَيْهِ فَأَقْبَلَ بِهِمَا وَأَدْبَرَ ثُمَّ قَالَ هَكَذَا رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَفْعَلُ .

USC-MSA web (English) reference : Book 20, Hadith 4
Arabic reference : Book 20, Hadith 711

Malik related to me from Humayd ibn Qays from Ata ibn Abi Rabah that 'Umar ibn alKhattab once asked Yala ibn Munya, who was pouring out water for him while he was having a ghusl, to pour some on his head. Ya'la said, "Are you trying to make me responsible? I will only pour it out if you tell me to do so." Umar ibn al-Khattab said, "Pour. It will only make (my head) more unkempt."

وَحَدَّثَنِي مَالِكٌ، عَنْ حُمَيْدِ بْنِ قَيْسٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لِيَعْلَى ابْنِ مُنْيَةَ وَهُوَ يَصُبُّ عَلَى عُمَرَ بْنِ الْخَطَّابِ مَاءً وَهُوَ يَغْتَسِلُ اصْبُبْ عَلَى رَأْسِي . فَقَالَ يَعْلَى أَتُرِيدُ أَنْ تَجْعَلَهَا بِي إِنْ أَمَرْتَنِي صَبَبْتُ . فَقَالَ لَهُ عُمَرُ بْنُ الْخَطَّابِ اصْبُبْ فَلَنْ يَزِيدَهُ الْمَاءُ إِلاَّ شَعَثًا .

USC-MSA web (English) reference : Book 20, Hadith 5
Arabic reference : Book 20, Hadith 712

Malik related to me from Nafi that Abdullah ibn Umar would spend the night between the two trails in the valley of Dhu Tuwa when he was approaching Makka. Then he would pray subh, and after that he would enter Makka by the trail which is at the highest part of Makka. He would never enter Makka, if he was coming for hajj or umra, without doing ghusl beforehand when he was near Makka at Dhu Tuwa, and he would tell whoever was with him to do likewise.

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا دَنَا مِنْ مَكَّةَ بَاتَ بِذِي طُوًى بَيْنَ الثَّنِيَّتَيْنِ حَتَّى يُصْبِحَ ثُمَّ يُصَلِّيَ الصُّبْحَ ثُمَّ يَدْخُلُ مِنَ الثَّنِيَّةِ الَّتِي بِأَعْلَى مَكَّةَ وَلاَ يَدْخُلُ إِذَا خَرَجَ حَاجًّا أَوْ مُعْتَمِرًا حَتَّى يَغْتَسِلَ قَبْلَ أَنْ يَدْخُلَ مَكَّةَ إِذَا دَنَا مِنْ مَكَّةَ بِذِي طُوًى وَيَأْمُرُ مَنْ مَعَهُ فَيَغْتَسِلُونَ قَبْلَ أَنْ يَدْخُلُوا .

USC-MSA web (English) reference : Book 20, Hadith 6
Arabic reference : Book 20, Hadith 713

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would never wash his head while he was in ihram except if he had to do ghusl because of a wet dream.

Malik said, "I have heard the people of knowledge say that there is no harm in someone who is in ihram rubbing his head with certain kinds of plants after he has stoned the Jamrat al-Aqaba but before he has shaved his head, because once he has finished stoning the Jamrat al-Aqaba it is halal for him to kill lice, to shave his head, to clean himself of body hair, and to wear normal clothes."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ لاَ يَغْسِلُ رَأْسَهُ وَهُوَ مُحْرِمٌ إِلاَّ مِنَ الاِحْتِلاَمِ . قَالَ مَالِكٌ سَمِعْتُ أَهْلَ الْعِلْمِ يَقُولُونَ لاَ بَأْسَ أَنْ يَغْسِلَ الرَّجُلُ الْمُحْرِمُ رَأْسَهُ بِالْغَسُولِ بَعْدَ أَنْ يَرْمِيَ جَمْرَةَ الْعَقَبَةِ وَقَبْلَ أَنْ يَحْلِقَ رَأْسَهُ وَذَلِكَ أَنَّهُ إِذَا رَمَى جَمْرَةَ الْعَقَبَةِ فَقَدْ حَلَّ لَهُ قَتْلُ الْقَمْلِ وَحَلْقُ الشَّعْرِ وَإِلْقَاءُ التَّفَثِ وَلُبْسُ الثِّيَابِ .

USC-MSA web (English) reference : Book 20, Hadith 7
Arabic reference : Book 20, Hadith 714

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that a man once asked the Messenger of Allah, may Allah bless him and grant him peace, what clothes someone in ihram could wear, and the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not wear shirts, turbans, trousers, burnouses, or leather socks, except if you cannot find sandals. In that case you can wear leather socks, but cut them off below the ankles. Do not wear any clothes that have been touched by saffron or yellow dye."

Yahya said that Malik was asked about the hadith attributed to the Prophet, may Allah bless him and grant him peace, "Whoever cannot find a waist wrapper should wear trousers," and he said, "I have never heard this, and I do not think that some one who is in ihram can wear trousers, because among the things which the Prophet, may Allah bless him and grant him peace, forbade some one in ihram to wear were trousers, and he did not make any exception for them although he did make an exception for leather socks."
20.4 Wearing Clothes when in Ihram

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَجُلاً، سَأَلَ رَسُولَ اللَّهِ صلى الله عليه وسلم مَا يَلْبَسُ الْمُحْرِمُ مِنَ الثِّيَابِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ تَلْبَسُوا الْقُمُصَ وَلاَ الْعَمَائِمَ وَلاَ السَّرَاوِيلاَتِ وَلاَ الْبَرَانِسَ وَلاَ الْخِفَافَ إِلاَّ أَحَدٌ لاَ يَجِدُ نَعْلَيْنِ فَلْيَلْبَسْ خُفَّيْنِ وَلْيَقْطَعْهُمَا أَسْفَلَ مِنَ الْكَعْبَيْنِ وَلاَ تَلْبَسُوا مِنَ الثِّيَابِ شَيْئًا مَسَّهُ الزَّعْفَرَانُ وَلاَ الْوَرْسُ .

USC-MSA web (English) reference : Book 20, Hadith 8
Arabic reference : Book 20, Hadith 715

Yahya related to me from Malik from 'Abdullah ibn Dinar that Abdullah ibn Umar said, "The Messenger of Allah, may Allah bless him and grant him peace, forbade anyone in ihram to wear a garment which had been dyed with saffron or yellow dye, and said, 'Anyone that cannot find sandals can wear leather socks, but he should cut them off below the ankles.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ يَلْبَسَ الْمُحْرِمُ ثَوْبًا مَصْبُوغًا بِزَعْفَرَانٍ أَوْ وَرْسٍ وَقَالَ " مَنْ لَمْ يَجِدْ نَعْلَيْنِ فَلْيَلْبَسْ خُفَّيْنِ وَلْيَقْطَعْهُمَا أَسْفَلَ مِنَ الْكَعْبَيْنِ " .

USC-MSA web (English) reference : Book 20, Hadith 9
Arabic reference : Book 20, Hadith 716

Yahya related to me from Malik from Nafi that he had heard Aslam, the mawla of Umar ibn al-Khattab, telling 'Abdullah ibn Umar that Umar ibn al-Khattab once saw a dyed garment on Talha ibn Ubaydullah while he was in ihram and Umar said, "What is this dyed garment, Talha?", and Talha said, "Amir al-muminin, it is only mud." Umar said, "You and your like are taken by people as imams, and if an ignorant man were to see this garment he would say that Talha ibn Ubaydullah used to wear a dyed robe while he was in ihram. So do not wear any form of dyed clothes."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّهُ سَمِعَ أَسْلَمَ، مَوْلَى عُمَرَ بْنِ الْخَطَّابِ يُحَدِّثُ عَبْدَ اللَّهِ بْنَ عُمَرَ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، رَأَى عَلَى طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ ثَوْبًا مَصْبُوغًا وَهُوَ مُحْرِمٌ فَقَالَ عُمَرُ مَا هَذَا الثَّوْبُ الْمَصْبُوغُ يَا طَلْحَةُ فَقَالَ طَلْحَةُ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّمَا هُوَ مَدَرٌ ‏.‏ فَقَالَ عُمَرُ إِنَّكُمْ أَيُّهَا الرَّهْطُ أَئِمَّةٌ يَقْتَدِي بِكُمُ النَّاسُ فَلَوْ أَنَّ رَجُلاً جَاهِلاً رَأَى هَذَا الثَّوْبَ لَقَالَ إِنَّ طَلْحَةَ بْنَ عُبَيْدِ اللَّهِ كَانَ يَلْبَسُ الثِّيَابَ الْمُصَبَّغَةَ فِي الإِحْرَامِ فَلاَ تَلْبَسُوا أَيُّهَا الرَّهْطُ شَيْئًا مِنْ هَذِهِ الثِّيَابِ الْمُصَبَّغَةِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 10
Arabic reference : Book 20, Hadith 717

Yahya related to me from Malik from Hisham ibn Urwa from his father that Asma bint Abi Bakr had worn clothes that were completely dyed with safflower while she was in ihram, though there was not any saffron in them.

Yahya said that Malik was asked if a garment which had been perfumed could be used for ihram if the smell of the perfume had gone, and he said, "Yes, as long as there is no saffron or yellow dye in it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ، أَنَّهَا كَانَتْ تَلْبَسُ الثِّيَابَ الْمُعَصْفَرَاتِ الْمُشَبَّعَاتِ وَهِيَ مُحْرِمَةٌ لَيْسَ فِيهَا زَعْفَرَانٌ ‏.‏ قَالَ يَحْيَى سُئِلَ مَالِكٌ عَنْ ثَوْبٍ مَسَّهُ طِيبٌ ثُمَّ ذَهَبَ مِنْهُ رِيحُ الطِّيبِ هَلْ يُحْرِمُ فِيهِ فَقَالَ نَعَمْ مَا لَمْ يَكُنْ فِيهِ صِبَاغٌ زَعْفَرَانٌ أَوْ وَرْسٌ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 11
Arabic reference : Book 20, Hadith 718

Yahya related to me from Malik from Nafi that 'Abdullah ibn 'Umar used to disapprove of anybody wearing a belt or girdle while in ihram.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَكْرَهُ لُبْسَ الْمِنْطَقَةِ لِلْمُحْرِمِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 12
Arabic reference : Book 20, Hadith 719

Yahya related to me from Malik from Yahya ibn Sa'id that he heard Said ibn al Musayyab say, about the girdle worn by some one in ihram under his clothes, "There is no harm in it if he ties the ends together as a belt."

Malik said, "This is what I like most out of what I have heard about the matter."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ فِي الْمِنْطَقَةِ يَلْبَسُهَا الْمُحْرِمُ تَحْتَ ثِيَابِهِ أَنَّهُ لاَ بَأْسَ بِذَلِكَ إِذَا جَعَلَ طَرَفَيْهَا جَمِيعًا سُيُورًا يَعْقِدُ بَعْضَهَا إِلَى بَعْضٍ ‏.‏ قَالَ مَالِكٌ وَهَذَا أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 13
Arabic reference : Book 20, Hadith 720

Yahya related to me from Malik from Yahya ibn Said that al-Qasim ibn Muhammad said that al-Furafisa ibn Umayr al-Hanafi saw Uthman ibn Affan at al-Arj, and he was covering his face while in ihram.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ قَالَ أَخْبَرَنِي الْفُرَافِصَةُ بْنُ عُمَيْرٍ الْحَنَفِيُّ، أَنَّهُ رَأَى عُثْمَانَ بْنَ عَفَّانَ بِالْعَرْجِ يُغَطِّي وَجْهَهُ وَهُوَ مُحْرِمٌ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 13
Arabic reference : Book 20, Hadith 721

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say that a man in ihram should not veil anything above his chin .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ مَا فَوْقَ الذَّقَنِ مِنَ الرَّأْسِ فَلاَ يُخَمِّرْهُ الْمُحْرِمُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 13
Arabic reference : Book 20, Hadith 722

Yahya related to me from Malik from Nafi that Abdullah ibn Umar shrouded his son Waqid ibn Abdullah, who had died at al-Juhfa while in ihram, and he veiled his head and face and said, "If we had not been in ihram we would have perfumed him. "

Malik said, "A man can only do things while he is alive. When he is dead, his actions stop."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَفَّنَ ابْنَهُ وَاقِدَ بْنَ عَبْدِ اللَّهِ وَمَاتَ بِالْجُحْفَةِ مُحْرِمًا وَخَمَّرَ رَأْسَهُ وَوَجْهَهُ وَقَالَ لَوْلاَ أَنَّا حُرُمٌ لَطَيَّبْنَاهُ ‏.‏ قَالَ مَالِكٌ وَإِنَّمَا يَعْمَلُ الرَّجُلُ مَا دَامَ حَيًّا فَإِذَا مَاتَ فَقَدِ انْقَضَى الْعَمَلُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 14
Arabic reference : Book 20, Hadith 723

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say that a woman in ihram should wear neither a veil nor gloves.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ لاَ تَنْتَقِبُ الْمَرْأَةُ الْمُحْرِمَةُ وَلاَ تَلْبَسُ الْقُفَّازَيْنِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 15
Arabic reference : Book 20, Hadith 724

Yahya related to me from Malik from Hisham ibn Urwa that Fatima bint al-Mundhir said, "We used to veil our faces when we were in ihram in the company of Asma bint Abi Bakr as-Siddiq."

20.7 Wearing Perfume during Hajj.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ، أَنَّهَا قَالَتْ كُنَّا نُخَمِّرُ وُجُوهَنَا وَنَحْنُ مُحْرِمَاتٌ وَنَحْنُ مَعَ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ الصِّدِّيقِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 16
Arabic reference : Book 20, Hadith 725

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "I perfumed the Messenger of Allah, may Allah bless him and grant him peace, for his ihram before he entered ihram, and when he came out of ihram before he did tawaf of the House."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ كُنْتُ أُطَيِّبُ رَسُولَ اللَّهِ صلى الله عليه وسلم لإِحْرَامِهِ قَبْلَ أَنْ يُحْرِمَ وَلِحِلِّهِ قَبْلَ أَنْ يَطُوفَ بِالْبَيْتِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 17
Arabic reference : Book 20, Hadith 726

Yahya related to me from Malik from Humayd ibn Qays from Ata ibn Rabah that a bedouin came to the Messenger of Allah, may Allah bless him and grant him peace, when he was at Hunayn, and he was wearing a shirt with traces of yellow on it. He said, "Messenger of Allah, I have entered ihram for umra. What should I do?" The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Take off your shirt and wash off this yellowness and do in umra as you would do on hajj."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدِ بْنِ قَيْسٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، أَنَّ أَعْرَابِيًّا، جَاءَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم وَهُوَ بِحُنَيْنٍ وَعَلَى الأَعْرَابِيِّ قَمِيصٌ وَبِهِ أَثَرُ صُفْرَةٍ فَقَالَ يَا رَسُولَ اللَّهِ إِنِّي أَهْلَلْتُ بِعُمْرَةٍ فَكَيْفَ تَأْمُرُنِي أَنْ أَصْنَعَ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " انْزِعْ قَمِيصَكَ وَاغْسِلْ هَذِهِ الصُّفْرَةَ عَنْكَ وَافْعَلْ فِي عُمْرَتِكَ مَا تَفْعَلُ فِي حَجِّكَ " .

USC-MSA web (English) reference : Book 20, Hadith 18
Arabic reference : Book 20, Hadith 727

Yahya related to me from Malik from Nafi from Aslam, the mawla of Umar ibn al Khattab, that Umar ibn al-Khattab discovered the smell of perfume while he was at ash-Shajara, and he asked, "Who is this smell of perfume coming from?" Muawiya ibn Abi Sufyan answered, "From me, amir al-muminin." Umar said, "From you? By the life of Allah!" Muawiya explained, "Umm Habiba perfumed me, amir al-muminin. "'Umar then said, "You must go back and wash it off."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ أَسْلَمَ، مَوْلَى عُمَرَ بْنِ الْخَطَّابِ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَجَدَ رِيحَ طِيبٍ وَهُوَ بِالشَّجَرَةِ فَقَالَ مِمَّنْ رِيحُ هَذَا الطِّيبِ فَقَالَ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ مِنِّي يَا أَمِيرَ الْمُؤْمِنِينَ . فَقَالَ مِنْكَ لَعَمْرُ اللَّهِ فَقَالَ مُعَاوِيَةُ إِنَّ أُمَّ حَبِيبَةَ طَيَّبَتْنِي يَا أَمِيرَ الْمُؤْمِنِينَ . فَقَالَ عُمَرُ عَزَمْتُ عَلَيْكَ لَتَرْجِعَنَّ فَلْتَغْسِلَنَّهُ .

USC-MSA web (English) reference : Book 20, Hadith 19
Arabic reference : Book 20, Hadith 728

Yahya related to me from Malik from as-Salt ibn Zubayd from more than one of his family that Umar ibn al-Khattab discovered the smell of perfume while he was at ash-Shajara. Kathir ibn as-Salt was at his side, and Umar asked, "Who is this smell of perfume coming from?", and Kathir said, "From me, amir al-muminin. I matted my hair with perfume and I intended not to shave it." Umar said, "Go to a sharaba and rub your head until it is clean," and Kathir did so.

Malik explained, "A sharaba is the ditch at the base of a date-palm."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الصَّلْتِ بْنِ زُيَيْدٍ، عَنْ غَيْرِ، وَاحِدٍ، مِنْ أَهْلِهِ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَجَدَ رِيحَ طِيبٍ وَهُوَ بِالشَّجَرَةِ وَإِلَى جَنْبِهِ كَثِيرُ بْنُ الصَّلْتِ فَقَالَ عُمَرُ مِمَّنْ رِيحُ هَذَا الطِّيبِ فَقَالَ كَثِيرٌ مِنِّي يَا أَمِيرَ الْمُؤْمِنِينَ لَبَدْتُ رَأْسِي وَأَرَدْتُ أَنْ لاَ أَحْلِقَ . فَقَالَ عُمَرُ فَاذْهَبْ إِلَى شَرَبَةٍ فَادْلُكْ رَأْسَكَ حَتَّى تُنَقِّيَهُ . فَفَعَلَ كَثِيرُ بْنُ الصَّلْتِ . قَالَ مَالِكٌ الشَّرَبَةُ حَفِيرٌ تَكُونُ عِنْدَ أَصْلِ النَّخْلَةِ .

USC-MSA web (English) reference : Book 20, Hadith 20
Arabic reference : Book 20, Hadith 729

Yahya related to me from Malik from Yahya ibn Said and 'Abdullah ibn Abi Bakr and Rabia ibn Abi Abd ar-Rahman that al-Walid ibn Abd al- Malik asked Salim ibn Abdullah and Kharija ibn Zayd ibn Thabit if he could use perfume after he had stoned the jamra and shaved his head, but before he had left for the tawafal-ifada. Salim forbade him to do so, but Kharija ibn Zayd ibn Thabit said that he could.

Malik said, "There is no harm in a man oiling himself with an oil which does not have any perfume in it, either before he enters ihram, or before he leaves Mina for the tawaf al-ifada, if he has stoned the jamra."
Yahya said that Malik was asked whether someone in ihram could eat food with saffron in it, and he said, "There is no harm in some one in ihram eating it if it has been cooked. If, however, it has not been cooked he should not eat it."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، وَعَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، وَرَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ الْوَلِيدَ بْنَ عَبْدِ الْمَلِكِ، سَأَلَ سَالِمَ بْنَ عَبْدِ اللَّهِ وَخَارِجَةَ بْنَ زَيْدِ بْنِ ثَابِتٍ بَعْدَ أَنْ رَمَى الْجَمْرَةَ، وَحَلَقَ، رَأْسَهُ وَقَبْلَ أَنْ يُفِيضَ عَنِ الطِّيبِ فَنَهَاهُ سَالِمٌ وَأَرْخَصَ لَهُ خَارِجَةُ بْنُ زَيْدِ بْنِ ثَابِتٍ . قَالَ مَالِكٌ لاَ بَأْسَ أَنْ يَدَّهِنَ الرَّجُلُ بِدُهْنٍ لَيْسَ فِيهِ طِيبٌ قَبْلَ أَنْ يُحْرِمَ وَقَبْلَ أَنْ يُفِيضَ مِنْ مِنًى بَعْدَ رَمْيِ الْجَمْرَةِ . قَالَ يَحْيَى سُئِلَ مَالِكٌ عَنْ طَعَامٍ فِيهِ زَعْفَرَانٌ هَلْ يَأْكُلُهُ الْمُحْرِمُ فَقَالَ أَمَّا مَا تَمَسُّهُ النَّارُ مِنْ ذَلِكَ فَلاَ بَأْسَ بِهِ أَنْ يَأْكُلَهُ الْمُحْرِمُ وَأَمَّا مَا لَمْ تَمَسَّهُ النَّارُ مِنْ ذَلِكَ فَلاَ يَأْكُلُهُ الْمُحْرِمُ .

USC-MSA web (English) reference : Book 20, Hadith 21
Arabic reference : Book 20, Hadith 730

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "The people of Madina should enter ihram at Dhu'l-Hulayfa, the people of Syria should do so at al-Juhfa, and the people of Najd should do so at Qarn."

Abdullah ibn Umar added, "I have heard that the Messenger of Allah, may Allah bless him and grant him peace, said, 'The people of Yemen should enter ihram at Yalamlam.' "
وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " يُهِلُّ أَهْلُ الْمَدِينَةِ مِنْ ذِي الْحُلَيْفَةِ وَيُهِلُّ أَهْلُ الشَّامِ مِنَ الْجُحْفَةِ وَيُهِلُّ أَهْلُ نَجْدٍ مِنْ قَرْنٍ " . قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ وَبَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " وَيُهِلُّ أَهْلُ الْيَمَنِ مِنْ يَلَمْلَمَ " .

USC-MSA web (English) reference : Book 20, Hadith 22
Arabic reference : Book 20, Hadith 731

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar said, "The Messenger of Allah, may Allah bless him and grant him peace, told the people of Madina to enter ihram at Dhu'l-Hulayfa, the people of Syria to do so at al-Juhfa, and the people of Najd to do so at Qarn.'

Abdullah ibn Umar said, "I heard these three from the Messenger of Allah, may Allah bless him and grant him peace. I was also told that the Messenger of Allah, may Allah bless him and grant him peace, said, 'The people of Yemen should enter ihram at Yalamlam.' "
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ أَمَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم أَهْلَ الْمَدِينَةِ أَنْ يُهِلُّوا مِنْ ذِي الْحُلَيْفَةِ وَأَهْلَ الشَّامِ مِنَ الْجُحْفَةِ وَأَهْلَ نَجْدٍ مِنْ قَرْنٍ . قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ أَمَّا هَؤُلاَءِ الثَّلاَثُ فَسَمِعْتُهُنَّ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم وَأُخْبِرْتُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " وَيُهِلُّ أَهْلُ الْيَمَنِ مِنْ يَلَمْلَمَ " .

USC-MSA web (English) reference　: Book 20, Hadith 23
Arabic reference　: Book 20, Hadith 732

Yahya related to me from Malik from Nafi that Abdullah ibn Umar once entered ihram at al-Fur.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، أَهَلَّ مِنَ الْفُرْعِ .

USC-MSA web (English) reference　: Book 20, Hadith 25
Arabic reference　: Book 20, Hadith 733

Yahya related to me from Malik from a reliable source that Abdullah ibn Umar once entered ihram at Ilya (Jerusalem).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الثِّقَةِ، عِنْدَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، أَهَلَّ مِنْ إِيلْيَاءَ .

USC-MSA web (English) reference　: Book 20, Hadith 26
Arabic reference　: Book 20, Hadith 734

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, once entered ihram at al-Jiirrana (near Makka) for an umra.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَهَلَّ مِنَ الْجِعِرَّانَةِ بِعُمْرَةٍ .

USC-MSA web (English) reference　: Book 20, Hadith 27
Arabic reference　: Book 20, Hadith 735

Yahya related to me from Malik from Abdullah ibn Umar that the talbiya of the Messenger of Allah, may Allah bless him and grant him peace, was, "I am at Your service, O Allah, I am at Your service. You have no partner. I am at Your service. Praise and blessing belong to You, and the Kingdom. You have no partner."

Labayk, Allahumma labayk, la sharika laka labayk. Inna'l-hamda wa'n-nimata laka wa'l-mulk, la sharika lak.
Malik said that Abdullah ibn Umar used to add, "I am at Your service, I am at Your service. I am at Your service and at Your call. Good is in Your hands, and I am at Your service. Our desire is for You, and our action ."
Labayk, labayk, labayk wa sadayka wa'l-khayr biyadayka labayk wa'r-raghba'u ilayka wa'l-amalu.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ تَلْبِيَةَ، رَسُولِ اللَّهِ صلى الله عليه وسلم " لَبَّيْكَ اللَّهُمَّ لَبَّيْكَ لَبَّيْكَ لاَ شَرِيكَ لَكَ لَبَّيْكَ إِنَّ الْحَمْدَ وَالنِّعْمَةَ لَكَ وَالْمُلْكَ لاَ شَرِيكَ لَكَ " . قَالَ وَكَانَ عَبْدُ اللَّهِ بْنُ عُمَرَ يَزِيدُ فِيهَا لَبَّيْكَ لَبَّيْكَ لَبَّيْكَ وَسَعْدَيْكَ وَالْخَيْرُ بِيَدَيْكَ لَبَّيْكَ وَالرَّغْبَاءُ إِلَيْكَ وَالْعَمَلُ .

USC-MSA web (English) reference　: Book 20, Hadith 28
Arabic reference　: Book 20, Hadith 736

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, used to pray two rakas in the mosque at Dhu'l-Hulayfa, and then, when he had got on to his camel and it had stood up, he would begin doing talbiya.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُصَلِّي فِي مَسْجِدِ ذِي الْحُلَيْفَةِ رَكْعَتَيْنِ فَإِذَا اسْتَوَتْ بِهِ رَاحِلَتُهُ أَهَلَّ .

USC-MSA web (English) reference : Book 20, Hadith 29
Arabic reference : Book 20, Hadith 737

Yahya related to me from Malik from Musa ibn Uqba that Salim ibn Abdullah heard his father say, "Your claim that the Messenger of Allah, may Allah bless him and grant him peace, entered ihram from this desert of yours is not true, because he only entered ihram from the mosque, i.e. the mosque of Dhu'l-Hulayfa."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ سَمِعَ أَبَاهُ، يَقُولُ بَيْدَاؤُكُمْ هَذِهِ الَّتِي تَكْذِبُونَ عَلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فِيهَا مَا أَهَلَّ رَسُولُ اللَّهِ صلى الله عليه وسلم إِلاَّ مِنْ عِنْدِ الْمَسْجِدِ يَعْنِي مَسْجِدَ ذِي الْحُلَيْفَةِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 30
Arabic reference : Book 20, Hadith 738

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi that Ubayd ibn Jurayj once said to Abdullah ibn Umar, "Abu Abd ar- Rahman, I have seen you doing four things which I have never seen any of your companions doing." He said, "What are they, Ibn Jurayj?" and he replied, "I have seen you touching only the twoYamani corners, I have seen you wearing hairless sandals, I have seen you using yellow dye, and, when you were at Makka and everybody had started doing talbiya after seeing the new moon, I saw that you did not do so until the eighth of Dhu'l-Hijja."

Abdullah ibn Umar replied, "As for the corners, I only ever saw the Messenger of Allah, may Allah bless him and grant him peace, touching the two Yamani corners. As for the sandals, I saw the Messenger of Allah, may Allah bless him and grant him peace, wearing hairless sandals and doing wudu in them, and I like wearing them. As for using yellow dye, I saw the Messenger of Allah, may Allah bless him and grant him peace, using it, and I also like to use it for dyeing things with. As for doing talbiya, I never saw the Messenger of Allah, may Allah bless him and grant him peace, begin doing so until he had set out on the animal he was riding on (i.e. for Mina and Arafa)."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ عُبَيْدِ بْنِ جُرَيْجٍ، أَنَّهُ قَالَ لِعَبْدِ اللَّهِ بْنِ عُمَرَ يَا أَبَا عَبْدِ الرَّحْمَنِ رَأَيْتُكَ تَصْنَعُ أَرْبَعًا لَمْ أَرَ أَحَدًا مِنْ أَصْحَابِكَ يَصْنَعُهَا ‏.‏ قَالَ وَمَا هُنَّ يَا ابْنَ جُرَيْجٍ قَالَ رَأَيْتُكَ لاَ تَمَسُّ مِنَ الأَرْكَانِ إِلاَّ الْيَمَانِيَيْنِ وَرَأَيْتُكَ تَلْبَسُ النِّعَالَ السِّبْتِيَّةَ وَرَأَيْتُكَ تَصْبُغُ بِالصُّفْرَةِ وَرَأَيْتُكَ إِذَا كُنْتَ بِمَكَّةَ أَهَلَّ النَّاسُ إِذَا رَأَوُا الْهِلاَلَ وَلَمْ تُهْلِلْ أَنْتَ حَتَّى يَكُونَ يَوْمُ التَّرْوِيَةِ ‏.‏ فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ أَمَّا الأَرْكَانُ فَإِنِّي لَمْ أَرَ رَسُولَ اللَّهِ صلى الله عليه وسلم يَمَسُّ إِلاَّ الْيَمَانِيَّيْنِ وَأَمَّا النِّعَالُ السِّبْتِيَّةُ فَإِنِّي رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَلْبَسُ النِّعَالَ الَّتِي لَيْسَ فِيهَا شَعَرٌ وَيَتَوَضَّأُ فِيهَا فَأَنَا أُحِبُّ أَنْ أَلْبَسَهَا وَأَمَّا الصُّفْرَةُ فَإِنِّي رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَصْبُغُ بِهَا فَأَنَا أُحِبُّ أَنْ أَصْبُغَ بِهَا وَأَمَّا الإِهْلاَلُ فَإِنِّي لَمْ أَرَ رَسُولَ اللَّهِ صلى الله عليه وسلم يُهِلُّ حَتَّى تَنْبَعِثَ بِهِ رَاحِلَتُهُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 31
Arabic reference : Book 20, Hadith 739

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to pray in the mosque of Dhu'l-Hulayfa, and then go outside and get on his camel and when his camel had stood up he would begin to do talbiya.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُصَلِّي فِي مَسْجِدِ ذِي الْحُلَيْفَةِ

USC-MSA web (English) reference : Book 20, Hadith 32
Arabic reference : Book 20, Hadith 740

Yahya related to me from Malik that he had heard that Abd al- Malik ibn Marwan had started to do talbiya at the mosque of Dhu'l-Hulayfa, after the animal he was riding on had stood up, and that Aban ibn Uthman had told him to do this.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ الْمَلِكِ بْنَ مَرْوَانَ، أَهَلَّ مِنْ عِنْدِ مَسْجِدِ ذِي الْحُلَيْفَةِ حِينَ اسْتَوَتْ بِهِ رَاحِلَتُهُ وَأَنَّ أَبَانَ بْنَ عُثْمَانَ أَشَارَ عَلَيْهِ بِذَلِكَ .

USC-MSA web (English) reference : Book 20, Hadith 33
Arabic reference : Book 20, Hadith 741

Yahya related to me from Malik from 'Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from Abd al-Malik ibn Abi Bakr ibn al-Harith ibn Hisham from Khallad ibn as-Sa'ib al-Ansari from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "Jibril came to me and told me to tell my companions, or whoever was with me, to raise their voices when doing talbiya."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ خَلاَّدِ بْنِ السَّائِبِ الأَنْصَارِيِّ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَتَانِي جِبْرِيلُ فَأَمَرَنِي أَنْ آمُرَ أَصْحَابِي أَوْ مَنْ مَعِي أَنْ يَرْفَعُوا أَصْوَاتَهُمْ بِالتَّلْبِيَةِ أَوْ بِالإِهْلاَلِ " . يُرِيدُ أَحَدَهُمَا .

USC-MSA web (English) reference : Book 20, Hadith 34
Arabic reference : Book 20, Hadith 742

Yahya related to me from Malik that he had heard the people of knowledge say, "Women do not have to raise their voices when they are doing talbiya, and a woman should only speak loudly enough to hear herself."

Malik said, "Some one who is in ihram should not raise his voice when doing talbiya if he is in a mosque where there are groups of people. He should only speak loudly enough for himself and those who are near him to be able to hear, except in the Masjid alHaram and the mosque at Mina, where he should raise his voice."
Malik said, "I have heard some of the people of knowledge recommending (people to do) talbiya at the end of every prayer and at every rise on the route."

USC-MSA web (English) reference : Book 20, Hadith 35

Yahya related to me from Malik, from Abu'l-Aswad Muhammad ibn Abd ar-Rahman, fromUrwa ibn az-Zubayr, that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "We set out with the Messenger of Allah, may Allah bless him and grant him peace, in the year of the farewell hajj, and some of us went into ihram to do umra, some of us went into ihram to do hajj and umra, and some of us went into ihram to do hajj on its own. The Messenger of Allah, may Allah bless him and grant him peace, went into ihram to do hajj on its own. Those who had gone into ihram to do umra came out of ihram (after doing umra). Those who had gone into ihram to do hajj (on its own), or to do both hajj and umra, did not come out of ihram until the day of the sacrifice."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الأَسْوَدِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ حَجَّةِ الْوَدَاعِ فَمِنَّا مَنْ أَهَلَّ بِعُمْرَةٍ وَمِنَّا مَنْ أَهَلَّ بِحَجَّةٍ وَعُمْرَةٍ وَمِنَّا مَنْ أَهَلَّ بِالْحَجِّ وَأَهَلَّ رَسُولُ اللَّهِ صلى الله عليه وسلم بِالْحَجِّ فَأَمَّا مَنْ أَهَلَّ بِعُمْرَةٍ فَحَلَّ وَأَمَّا مَنْ أَهَلَّ بِحَجٍّ أَوْ جَمَعَ الْحَجَّ وَالْعُمْرَةَ فَلَمْ يَحِلُّوا حَتَّى كَانَ يَوْمُ النَّحْرِ .

USC-MSA web (English) reference : Book 20, Hadith 36
Arabic reference : Book 20, Hadith 743

Yahya related to me from Malik, from Abd ar-Rahman ibn al-Qasim, from his father, from A'isha, umm al-muminin, that the Messenger of Allah, may Allah bless him and grant him peace, did hajj on its own.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَفْرَدَ الْحَجَّ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 37
Arabic reference : Book 20, Hadith 744

Yahya related to me from Malik, from Abu'l-Aswad Muhammad ibn 'Abd ar-Rahman, from Urwa ibn az-Zubayr, from A'isha, umm al-muminin, that the Messenger of Allah, may Allah bless him and grant him peace, did hajj on its own.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الأَسْوَدِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ قَالَ وَكَانَ يَتِيمًا فِي حَجْرِ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَفْرَدَ الْحَجَّ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 38
Arabic reference : Book 20, Hadith 745

Yahya related to me from Malik that he had heard the people of knowledge say, "If someone goes into ihram to do hajj on its own, he cannot then go into ihram to do umra."

Malik said, "This is what I have found the people of knowledge in our city doing."

USC-MSA web (English) reference : Book 20, Hadith 39

Yahya related to me from Malik, from Jafar ibn Muhammad, from his father, that al-Miqdad ibn al-Aswad once went to see AIi ibn Abi Talibat as-Suqya, where he was feeding some young camels of his with a mash of meal and leaves, and he said to him, "This man Uthman ibn Affan is telling people that they cannot do hajj and umra together."

Al-Miqdad said, "Ali ibn Abi Talib went off with bits of meal and leaves on his forearms - and I shall never forget the sight of the meal and the leaves on his arms - and went to see Uthman ibn Affan and asked him, 'Are you saying then that people cannot do hajj and umra together?' Uthman replied, 'That is my opinion.' Whereupon AIi got angry and went out saying, 'I am at your service, O Allah, I am at your service for a hajj and an umra together.' "
Malik said, "Our position (here in Madina) is that someone who does hajj and umra together should not remove any of his hair, nor should he come out of ihram in any way until he has sacrificed an animal, if he has one. He should come out of ihram at Mina, on the day of the sacrifice."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، أَنَّ الْمِقْدَادَ بْنَ الأَسْوَدِ، دَخَلَ عَلَى عَلِيِّ بْنِ أَبِي طَالِبٍ بِالسُّقْيَا وَهُوَ يَنْجَعُ بَكَرَاتٍ لَهُ دَقِيقًا وَخَبَطًا فَقَالَ هَذَا عُثْمَانُ بْنُ عَفَّانَ يَنْهَى عَنْ أَنْ يُقْرَنَ بَيْنَ الْحَجِّ وَالْعُمْرَةِ ‏.‏ فَخَرَجَ عَلِيُّ بْنُ أَبِي طَالِبٍ وَعَلَى يَدَيْهِ أَثَرُ الدَّقِيقِ وَالْخَبَطِ - فَمَا أَنْسَى أَثَرَ الدَّقِيقِ وَالْخَبَطِ عَلَى ذِرَاعَيْهِ - حَتَّى دَخَلَ عَلَى عُثْمَانَ بْنِ عَفَّانَ فَقَالَ أَنْتَ تَنْهَى عَنْ أَنْ يُقْرَنَ بَيْنَ الْحَجِّ وَالْعُمْرَةِ فَقَالَ عُثْمَانُ ذَلِكَ رَأْيِي ‏.‏ فَخَرَجَ عَلِيٌّ مُغْضَبًا وَهُوَ يَقُولُ لَبَّيْكَ اللَّهُمَّ لَبَّيْكَ بِحَجَّةٍ وَعُمْرَةٍ مَعًا ‏.‏ قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّ مَنْ قَرَنَ الْحَجَّ وَالْعُمْرَةَ لَمْ يَأْخُذْ مِنْ شَعَرِهِ شَيْئًا وَلَمْ يَحْلِلْ مِنْ شَىْءٍ حَتَّى يَنْحَرَ هَدْيًا إِنْ كَانَ مَعَهُ وَيَحِلُّ بِمِنًى يَوْمَ النَّحْرِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 40
Arabic reference : Book 20, Hadith 746

Yahya related to me from Malik, from Muhammad ibn Abd ar-Rahman, from Sulayman ibn Yasar, that when the Messenger of Allah, may Allah bless him and grant him peace, set out for hajj in the year of the farewell hajj, some of his companions went into ihram to do hajj on its own, some of them combined hajj and umra, and some went into ihram to do umra on its own. Those who had gone into ihram to do hajj, or hajj and umra together, did not come out of ihram, whils tthose who had gone into ihram to doumra (on its own) came out of ihram.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم عَامَ حَجَّةِ الْوَدَاعِ خَرَجَ إِلَى الْحَجِّ فَمِنْ أَصْحَابِهِ مَنْ أَهَلَّ بِحَجٍّ وَمِنْهُمْ مَنْ جَمَعَ الْحَجَّ وَالْعُمْرَةَ وَمِنْهُمْ مَنْ أَهَلَّ بِعُمْرَةٍ فَأَمَّا مَنْ أَهَلَّ بِحَجٍّ أَوْ جَمَعَ الْحَجَّ وَالْعُمْرَةَ فَلَمْ يَحْلِلْ وَأَمَّا مَنْ كَانَ أَهَلَّ بِعُمْرَةٍ فَحَلُّوا . وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ سَمِعَ بَعْضَ أَهْلِ الْعِلْمِ يَقُولُونَ مَنْ أَهَلَّ بِعُمْرَةٍ ثُمَّ بَدَا لَهُ أَنْ يُهِلَّ بِحَجٍّ مَعَهَا فَذَلِكَ لَهُ مَا لَمْ يَطُفْ بِالْبَيْتِ وَبَيْنَ الصَّفَا وَالْمَرْوَةِ وَقَدْ صَنَعَ ذَلِكَ ابْنُ عُمَرَ حِينَ قَالَ إِنْ صُدِدْتُ عَنِ الْبَيْتِ صَنَعْنَا كَمَا صَنَعْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم ثُمَّ الْتَفَتَ إِلَى أَصْحَابِهِ فَقَالَ مَا أَمْرُهُمَا إِلاَّ وَاحِدٌ أُشْهِدُكُمْ أَنِّي أَوْجَبْتُ الْحَجَّ مَعَ الْعُمْرَةِ . قَالَ مَالِكٌ وَقَدْ أَهَلَّ أَصْحَابُ رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ حَجَّةِ الْوَدَاعِ بِالْعُمْرَةِ ثُمَّ قَالَ لَهُمْ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَنْ كَانَ مَعَهُ هَدْىٌ فَلْيُهْلِلْ بِالْحَجِّ مَعَ الْعُمْرَةِ ثُمَّ لاَ يَحِلُّ حَتَّى يَحِلَّ مِنْهُمَا جَمِيعًا " .

USC-MSA web (English) reference : Book 20, Hadith 41
Arabic reference : Book 20, Hadith 747

Yahya related to me from Malik that he had heard some of the people of knowledge say, "If someone goes into ihram to do umra and then wants to go into ihram to do hajj as well, he can do so, as long as he has not done tawaf of the House and s'ay between Safa and Marwa. This is what Abdullah ibn 'Umar did when he said, 'If I am blocked from the House we shall do what we did when we were with the Messenger of Allah, may Allah bless him and grant him peace.' He then turned to his companions and said, 'It is the same either way. I call you to witness that I have decided in favour of hajj and umra together. ' "

Malik said, "The companions of the Messenger of Allah, may Allah bless him and grant him peace, went into ihram to do umra in the year of the farewell hajj, and the Messenger of Allah, may Allah bless him and grant him peace, said to them, 'Anyone that has a sacrificial animal with him should go into ihram to do hajj and umra together, and he should not come out of ihram until he has finished both.' "

USC-MSA web (English) reference : Book 20, Hadith 42

Yahya related to me from Malik that Muhammad ibn Abi Bakr ath- Thaqafi once asked Anas ibn Malik, while the two of them were going from Mina to Arafa, "What did you use to do on this day when you were with the Messenger of Allah, may Allah bless him and grant him peace?" He said, "Those of us who were saying the talbiya would continue doing so, and no-one disapproved of it, and those of us who were saying 'Allahu akbar' would continue doing so, and no-one disapproved of that either."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الثَّقَفِيِّ، أَنَّهُ سَأَلَ أَنَسَ بْنَ مَالِكٍ - وَهُمَا غَادِيَانِ مِنْ مِنًى إِلَى عَرَفَةَ - كَيْفَ كُنْتُمْ تَصْنَعُونَ فِي هَذَا الْيَوْمِ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم قَالَ كَانَ يُهِلُّ الْمُهِلُّ مِنَّا فَلاَ يُنْكَرُ عَلَيْهِ وَيُكَبِّرُ الْمُكَبِّرُ فَلاَ يُنْكَرُ عَلَيْهِ .

USC-MSA web (English) reference : Book 20, Hadith 43
Arabic reference : Book 20, Hadith 748

Yahya related to me from Malik, from Jafar ibn Muhammad, from his father, that AIi ibn Abi Talib used to say the talbiya while on hajj until after noon on the day of Arafa, when he would stop doing so.

Yahya said that Malik said, "This is what the people of knowledge in our city are still doing."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ، كَانَ يُلَبِّي فِي الْحَجِّ حَتَّى إِذَا زَاغَتِ الشَّمْسُ مِنْ يَوْمِ عَرَفَةَ قَطَعَ التَّلْبِيَةَ . قَالَ يَحْيَى قَالَ مَالِكٌ وَذَلِكَ الأَمْرُ الَّذِي لَمْ يَزَلْ عَلَيْهِ أَهْلُ الْعِلْمِ بِبَلَدِنَا .

USC-MSA web (English) reference : Book 20, Hadith 44
Arabic reference : Book 20, Hadith 749

Yahya related to me from Malik, from Abd ar-Rahman ibn al-Qasim, from his father, that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, would stop saying the talbiya when she arrived at the place of standing (i.e. Arafa) .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا كَانَتْ تَتْرُكُ التَّلْبِيَةَ إِذَا رَجَعَتْ إِلَى الْمَوْقِفِ .

USC-MSA web (English) reference : Book 20, Hadith 45
Arabic reference : Book 20, Hadith 750

Yahya related to me from Malik, from Nafi, that when 'Abdullah ibn Umar was doing hajj he would keep saying the talbiya until he reached the Haram and did tawaf of the House and say between Safa and Marwa. He would then say the talbiya until he left Mina to go to Arafa, at which point he would stop doing so. If he was doing umra he would stop saying the talbiya on entering the Haram.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقْطَعُ التَّلْبِيَةَ فِي الْحَجِّ إِذَا انْتَهَى إِلَى الْحَرَمِ حَتَّى يَطُوفَ بِالْبَيْتِ وَبَيْنَ الصَّفَا وَالْمَرْوَةِ ثُمَّ يُلَبِّي حَتَّى يَغْدُوَ مِنْ مِنًى إِلَى عَرَفَةَ فَإِذَا غَدَا تَرَكَ التَّلْبِيَةَ وَكَانَ يَتْرُكُ التَّلْبِيَةَ فِي الْعُمْرَةِ إِذَا دَخَلَ الْحَرَمَ .

USC-MSA web (English) reference : Book 20, Hadith 46
Arabic reference : Book 20, Hadith 751

Yahya related to me from Malik that Ibn Shihab used to say, "Abdullah ibn Umar would never say the talbiya while he was doing tawaf of the House."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ كَانَ يَقُولُ كَانَ عَبْدُ اللَّهِ بْنُ عُمَرَ لاَ يُلَبِّي وَهُوَ يَطُوفُ بِالْبَيْتِ .

USC-MSA web (English) reference : Book 20, Hadith 47
Arabic reference : Book 20, Hadith 752

Yahya related to me from Malik, from AIqama ibn Abi AIqama, from his mother, that A'isha, umm al-muminin, used to camp on the plain of Arafa at a place called Namira, and then later she changed to another place called al-Arak.

She said, ''A'isha, and those who were with her, would say the talbiya while she was at the place where they were camping, and then, when she had mounted and set out towards the place of standing, she would stop doing so."

She continued, "A'isha used to do umra when she was in Makka after the hajj was over, in the month of Dhu'l-Hijja.Then she stopped doing that, and instead would set out before the new moon of Muharram for al-J uhfa, where she would stay until she saw the new moon, and then, when she had seen the new moon, she would go into ihram to do umra."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَلْقَمَةَ بْنِ أَبِي عَلْقَمَةَ، عَنْ أُمِّهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا كَانَتْ تَنْزِلُ مِنْ عَرَفَةَ بِنَمِرَةَ ثُمَّ تَحَوَّلَتْ إِلَى الأَرَاكِ . قَالَتْ وَكَانَتْ عَائِشَةُ تُهِلُّ مَا كَانَتْ فِي مَنْزِلِهَا وَمَنْ كَانَ مَعَهَا فَإِذَا رَكِبَتْ فَتَوَجَّهَتْ إِلَى الْمَوْقِفِ تَرَكَتِ الإِهْلاَلَ . قَالَتْ وَكَانَتْ عَائِشَةُ تَعْتَمِرُ بَعْدَ الْحَجِّ مِنْ مَكَّةَ فِي ذِي الْحِجَّةِ ثُمَّ تَرَكَتْ ذَلِكَ فَكَانَتْ تَخْرُجُ قَبْلَ هِلاَلِ الْمُحَرَّمِ حَتَّى تَأْتِيَ الْجُحْفَةَ فَتُقِيمَ بِهَا حَتَّى تَرَى الْهِلاَلَ فَإِذَا رَأَتِ الْهِلاَلَ أَهَلَّتْ بِعُمْرَةٍ .

USC-MSA web (English) reference : Book 20, Hadith 48
Arabic reference : Book 20, Hadith 753

Yahya related to me from Malik, from Yahya ibn Said, that Umar ibn Abd alAziz was once going from Mina (to Arafa) on the day of Arafa and heard the takbir being said loudly, so he sent the guard to shout out to the people, "O people, you should be saying the talbiya."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، غَدَا يَوْمَ عَرَفَةَ مِنْ مِنًى فَسَمِعَ التَّكْبِيرَ عَالِيًا فَبَعَثَ الْحَرَسَ يَصِيحُونَ فِي النَّاسِ أَيُّهَا النَّاسُ إِنَّهَا التَّلْبِيَةُ .

USC-MSA web (English) reference : Book 20, Hadith 49
Arabic reference : Book 20, Hadith 754

Yahya related to me from Malik, from Abd ar-Rahman ibn al-Qasim, from his father, that Umar ibn al-Khattab said, "People of Makka, why is it that people arrive dishevelled while you still have oil on your hair? Go into ihram when you see the new moon."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ يَا أَهْلَ مَكَّةَ مَا شَأْنُ النَّاسِ يَأْتُونَ شُعْثًا وَأَنْتُمْ مُدَّهِنُونَ أَهِلُّوا إِذَا رَأَيْتُمُ الْهِلاَلَ .

USC-MSA web (English) reference : Book 20, Hadith 50
Arabic reference : Book 20, Hadith 755

Yahya related to me from Malik, from Hisham ibn Urwa, that Abdullah ibn az-Zubayr stayed in Makka for nine years. He would go into ihram for hajj at the beginning of Dhu'l-Hijja, and Urwa ibn az- Zubayr, who was with him, would do likewise.

Yahya said that Malik said, "The people of Makka and whoever else is living there besides them should go into ihram for hajj if they are in Makka, and anyone that is living in the centre of Makka and is not one of the people of Makka should not leave the Haram."
Yahya said that Malik said, "Someone who goes into ihram for hajj in Makka should delay tawaf of the House and the sa'y between Safa and Marwa until he has come back from Mina, which is what Abdullah ibn Umar used to do."
Malik was asked what the people of Madina, or anybody else, should do about tawaf if they went into ihram in Makka at the beginning of Dhu'l-Hijja, and he said, "They should delay the obligatory tawaf, which is the one they combine with the say between Safa and Marwa, but they can do whatever other tawaf they want to, and they should pray two rakas every time they complete seven tawafs, which is what the companions of the Messenger of Allah, may

Allah bless him and grant him peace, did when they had gone into ihram to do hajj. They delayed the tawaf of the House and the sa'y between Safa and Marwa until they had come back from Mina. Abdullah ibn Umar also did this, going into ihram for hajj in Makka at the beginning of Dhu'l-Hijja, and then delaying tawaf of theHouse and the say between Safa and Marwa until he had come back from Mina."
Malik was asked whether one of the people of Makka could go into ihram to do umra in the centre of Makka, and he said, "No. He should go outside the Haram and go into ihram there."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ، أَقَامَ بِمَكَّةَ تِسْعَ سِنِينَ يُهِلُّ بِالْحَجِّ لِهِلاَلِ ذِي الْحِجَّةِ وَعُرْوَةُ بْنُ الزُّبَيْرِ مَعَهُ يَفْعَلُ ذَلِكَ . قَالَ يَحْيَى قَالَ مَالِكٌ وَإِنَّمَا يُهِلُّ أَهْلُ مَكَّةَ وَغَيْرُهُمْ بِالْحَجِّ إِذَا كَانُوا بِهَا وَمَنْ كَانَ مُقِيمًا بِمَكَّةَ مِنْ غَيْرِ أَهْلِهَا مِنْ جَوْفِ مَكَّةَ لاَ يَخْرُجُ مِنَ الْحَرَمِ . قَالَ يَحْيَى قَالَ مَالِكٌ وَمَنْ أَهَلَّ مِنْ مَكَّةَ بِالْحَجِّ فَلْيُؤَخِّرِ الطَّوَافَ بِالْبَيْتِ وَالسَّعْىَ بَيْنَ الصَّفَا وَالْمَرْوَةِ حَتَّى يَرْجِعَ مِنْ مِنًى وَكَذَلِكَ صَنَعَ عَبْدُ اللَّهِ بْنُ عُمَرَ . وَسُئِلَ مَالِكٌ عَمَّنْ أَهَلَّ بِالْحَجِّ مِنْ أَهْلِ الْمَدِينَةِ أَوْ غَيْرِهِمْ مِنْ مَكَّةَ لِهِلاَلِ ذِي الْحِجَّةِ كَيْفَ يَصْنَعُ بِالطَّوَافِ قَالَ أَمَّا الطَّوَافُ الْوَاجِبُ فَلْيُؤَخِّرْهُ وَهُوَ الَّذِي يَصِلُ بَيْنَهُ وَبَيْنَ السَّعْىِ بَيْنَ الصَّفَا وَالْمَرْوَةِ وَلْيَطُفْ مَا بَدَا لَهُ وَلْيُصَلِّ رَكْعَتَيْنِ كُلَّمَا طَافَ سُبْعًا وَقَدْ فَعَلَ ذَلِكَ أَصْحَابُ رَسُولِ اللَّهِ صلى الله عليه وسلم الَّذِينَ أَهَلُّوا بِالْحَجِّ فَأَخَّرُوا الطَّوَافَ بِالْبَيْتِ وَالسَّعْىَ بَيْنَ الصَّفَا وَالْمَرْوَةِ حَتَّى رَجَعُوا مِنْ مِنًى وَفَعَلَ ذَلِكَ عَبْدُ اللَّهِ بْنُ عُمَرَ فَكَانَ يُهِلُّ لِهِلاَلِ ذِي الْحِجَّةِ بِالْحَجِّ مِنْ مَكَّةَ وَيُؤَخِّرُ الطَّوَافَ بِالْبَيْتِ وَالسَّعْىَ بَيْنَ الصَّفَا وَالْمَرْوَةِ حَتَّى يَرْجِعَ مِنْ مِنًى . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ مِنْ أَهْلِ مَكَّةَ هَلْ يُهِلُّ مِنْ جَوْفِ مَكَّةَ بِعُمْرَةٍ قَالَ بَلْ يَخْرُجُ إِلَى الْحِلِّ فَيُحْرِمُ مِنْهُ .

USC-MSA web (English) reference : Book 20, Hadith 51
Arabic reference : Book 20, Hadith 756

Yahya related to me from Malik, from 'Abdullah ibn Abi Bakr ibn Muhammad, that Amra bint 'Abd ar-Rahman told him that Ziyad ibn Abi Sufyan once wrote to A'isha, the wife of the Prophet, may Allah bless him and grant him peace, saying, "'Abdullah ibn Abbas said that whatever was haram for some one doing hajj was also haram for some one who sent a sacrificial animal until the animal was sacrificed. I have sent one, so write and tell me what you say about this, or tell the man in charge of the animal what to do.

Amra said that A'isha said, "It is notas Ibn Abbas has said. I once plaited the garlands for the sacrificial animal of the Messenger of Allah, may Allah bless him and grant him peace, with my own two hands. Then after that the Messenger of Allah, may Allah bless him and grant him peace, himself put the garlands on the animal and then sent it with my father. And there was nothing that Allah had made halal forthe Messenger of Allah, may Allah bless him and grant him peace, that was haram for him until such time as the animal had been sacrificed."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّهَا أَخْبَرَتْهُ أَنَّ زِيَادَ بْنَ أَبِي سُفْيَانَ كَتَبَ إِلَى عَائِشَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ قَالَ مَنْ أَهْدَى هَدْيًا حَرُمَ عَلَيْهِ مَا يَحْرُمُ عَلَى الْحَاجِّ حَتَّى يُنْحَرَ الْهَدْىُ وَقَدْ بَعَثْتُ بِهَدْيٍ فَاكْتُبِي إِلَىَّ بِأَمْرِكِ أَوْ مُرِي صَاحِبَ الْهَدْيِ . قَالَتْ عَمْرَةُ قَالَتْ عَائِشَةُ لَيْسَ كَمَا قَالَ ابْنُ عَبَّاسٍ أَنَا فَتَلْتُ قَلاَئِدَ هَدْيِ رَسُولِ اللَّهِ صلى الله عليه وسلم بِيَدَىَّ ثُمَّ قَلَّدَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم بِيَدِهِ ثُمَّ بَعَثَ بِهَا رَسُولُ اللَّهِ صلى الله عليه وسلم مَعَ أَبِي فَلَمْ يَحْرُمْ عَلَى رَسُولِ اللَّهِ صلى الله عليه وسلم شَىْءٌ أَحَلَّهُ اللَّهُ لَهُ حَتَّى نُحِرَ الْهَدْىُ .

USC-MSA web (English) reference : Book 20, Hadith 52
Arabic reference : Book 20, Hadith 757

Yahya related to me from Malik that Yahya ibn Said said, "I asked Amra bint Abd ar-Rahman if there was anything that was haram for someone who sent a sacrificial animal (to Makka) but did not go there himself, and she told me that she had heard A'isha say, 'It is only some one who goes into ihram for hajj and begins saying the talbiya for whom things are haram.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ سَأَلْتُ عَمْرَةَ بِنْتَ عَبْدِ الرَّحْمَنِ عَنِ الَّذِي، يَبْعَثُ بِهَدْيِهِ وَيُقِيمُ هَلْ يَحْرُمُ عَلَيْهِ شَىْءٌ فَأَخْبَرَتْنِي أَنَّهَا سَمِعَتْ عَائِشَةَ تَقُولُ لاَ يَحْرُمُ إِلاَّ مَنْ أَهَلَّ وَلَبَّى ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 53
Arabic reference : Book 20, Hadith 758

Yahya related to me from Malik, from Yahya ibn Said, from Muhammad ibn Ibrahim ibn al-Harith at-Taymi, that Rabia ibn Abdullah ibn al-Hudayr once saw a man in a state of ihram in Iraq. So he asked people about him and they said, "He has given directions for his sacrificial animal to be garlanded, and it is for that reason that he has put on ihram ."

Rabia said, "I then met Abdullah ibn az- Zubayr and so I mentioned this to him and he said, 'By the Lord of the Kaba, an innovation.' "
Malik was asked about some one who set out with his own sacrificial animal and marked it and garlanded it at Dhu'l-Hulayfa, but did not go into ihram until he had reached al- Juhfa,and hesaid, "I do not like that, and whoever does so has not acted properly. He should only garland his sacrificial animal, or mark it, when he goes into ihram, unless it is someone who does not intend to do hajj, in which case he sends it off and stays with his family."
Malik was asked if somone who was not in ihram could set out with a sacrificial animal, and he said, "Yes. There is no harm in that."
He was also asked to comment on the different views people had about what became haram for some one who garlanded a sacrificial animal but did not intend to do either hajj or umra, and he said, "What we go by as far as this is concerned is what A'isha, umm al-muminin said, 'The Messenger of Allah, may Allah bless him and grant him peace, sent his sacrificial animal off and did not go there himself, and there was nothing that Allah had made halal for him that was haram for him until the animal had been sacrificed.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، عَنْ رَبِيعَةَ بْنِ عَبْدِ اللَّهِ بْنِ الْهُدَيْرِ، أَنَّهُ رَأَى رَجُلاً مُتَجَرِّدًا بِالْعِرَاقِ فَسَأَلَ النَّاسَ عَنْهُ فَقَالُوا إِنَّهُ أَمَرَ بِهَدْيِهِ أَنْ يُقَلَّدَ فَلِذَلِكَ تَجَرَّدَ ‏.‏ قَالَ رَبِيعَةُ فَلَقِيتُ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ فَذَكَرْتُ لَهُ ذَلِكَ فَقَالَ بِدْعَةٌ وَرَبِّ الْكَعْبَةِ ‏.‏ وَسُئِلَ مَالِكٌ عَمَّنْ خَرَجَ بِهَدْيٍ لِنَفْسِهِ فَأَشْعَرَهُ وَقَلَّدَهُ بِذِي الْحُلَيْفَةِ وَلَمْ يُحْرِمْ هُوَ حَتَّى جَاءَ الْجُحْفَةَ قَالَ لاَ أُحِبُّ ذَلِكَ وَلَمْ يُصِبْ مَنْ فَعَلَهُ وَلاَ يَنْبَغِي لَهُ أَنْ يُقَلِّدَ الْهَدْىَ وَلاَ يُشْعِرَهُ إِلاَّ عِنْدَ الإِهْلاَلِ إِلاَّ رَجُلٌ لاَ يُرِيدُ الْحَجَّ فَيَبْعَثُ بِهِ وَيُقِيمُ فِي أَهْلِهِ ‏.‏ وَسُئِلَ مَالِكٌ هَلْ يَخْرُجُ بِالْهَدْيِ غَيْرُ مُحْرِمٍ فَقَالَ نَعَمْ لاَ بَأْسَ بِذَلِكَ ‏.‏ وَسُئِلَ أَيْضًا عَمَّا اخْتَلَفَ فِيهِ النَّاسُ مِنَ الإِحْرَامِ لِتَقْلِيدِ الْهَدْيِ مِمَّنْ لاَ يُرِيدُ الْحَجَّ وَلاَ الْعُمْرَةَ فَقَالَ الأَمْرُ عِنْدَنَا الَّذِي نَأْخُذُ بِهِ فِي ذَلِكَ قَوْلُ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ إِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم بَعَثَ بِهَدْيِهِ ثُمَّ أَقَامَ فَلَمْ يَحْرُمْ عَلَيْهِ شَىْءٌ مِمَّا أَحَلَّهُ اللَّهُ لَهُ حَتَّى نُحِرَ هَدْيُهُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 54
Arabic reference : Book 20, Hadith 759

Yahya related to me from Malik, from Nafi, that Abdullah ibn Umar used to say, "A menstruating woman who wants to go into ihram to do either hajj or umra can do so if she so wishes, but she cannot do tawaf of the House, nor the

say between Safa and Marwa. She can participate in all the rituals along with everybody else, except that she cannot do tawaf of the House, nor the say between Safa and Marwa, nor can she come near the mosque until she is pure."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ الْمَرْأَةُ الْحَائِضُ الَّتِي تُهِلُّ بِالْحَجِّ أَوِ الْعُمْرَةِ إِنَّهَا تُهِلُّ بِحَجِّهَا أَوْ عُمْرَتِهَا إِذَا أَرَادَتْ وَلَكِنْ لاَ تَطُوفُ بِالْبَيْتِ وَلاَ بَيْنَ الصَّفَا وَالْمَرْوَةِ وَهِيَ تَشْهَدُ الْمَنَاسِكَ كُلَّهَا مَعَ النَّاسِ غَيْرَ أَنَّهَا لاَ تَطُوفُ بِالْبَيْتِ وَلاَ بَيْنَ الصَّفَا وَالْمَرْوَةِ وَلاَ تَقْرَبُ الْمَسْجِدَ حَتَّى تَطْهُرَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 55
Arabic reference : Book 20, Hadith 760

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, did umra three times:

in the year of Hudaybiya, in the year of al-Qadiyya, and in the year of al-Jiirrana.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم اعْتَمَرَ ثَلاَثًا عَامَ الْحُدَيْبِيَةِ وَعَامَ الْقَضِيَّةِ وَعَامَ الْجِعِرَّانَةِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 56
Arabic reference : Book 20, Hadith 761

Yahya related to me from Malik from Hisham ibn Urwa, from his father, that the Messenger of Allah, may Allah bless him and grant him peace, only did three umras, one of them in Shawwal, and two in Dhu'l-Qada.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم لَمْ يَعْتَمِرْ إِلاَّ ثَلاَثًا إِحْدَاهُنَّ فِي شَوَّالٍ وَاثْنَتَيْنِ فِي ذِي الْقَعْدَةِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 57
Arabic reference : Book 20, Hadith 762

Yahya related to me from Malik, from Abd ar-Rahman ibn Harmala al-Aslami, that somebody asked Said ibn al-Musayyab, "Can I do umra before I do hajj?", and Said said, "Yes, the Messenger of Allah, may Allah bless him and grant him peace, did umra before doing hajj."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ الأَسْلَمِيِّ، أَنَّ رَجُلاً، سَأَلَ سَعِيدَ بْنَ الْمُسَيَّبِ فَقَالَ أَعْتَمِرُ قَبْلَ أَنْ أَحُجَّ، فَقَالَ سَعِيدٌ نَعَمْ قَدِ اعْتَمَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم قَبْلَ أَنْ يَحُجَّ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 58
Arabic reference : Book 20, Hadith 763

Yahya related to me from Malik, from Ibn Shihab, from Said ibn al-Musayyab, that Umar ibn Abi Salama once asked Umar ibn alKhattab for permission to do umra in Shawwal. He gave him permission, so he did umra and then went back to his family, and he did not do hajj.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ أَبِي سَلَمَةَ، اسْتَأْذَنَ عُمَرَ بْنَ الْخَطَّابِ أَنْ يَعْتَمِرَ، فِي شَوَّالٍ فَأَذِنَ لَهُ فَاعْتَمَرَ ثُمَّ قَفَلَ إِلَى أَهْلِهِ وَلَمْ يَحُجَّ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 59
Arabic reference : Book 20, Hadith 764

Yahya related to me from Malik, from Hisham ibn 'Urwa, that his father would stop saying the talbiya when he entered the Haram, if he was doing 'umra.

Malik said that someone who went into ihram at at-Tanim should stop saying the talbiya when he saw the House.
Yahya said that Malik was asked where a man from the people of Madina, or elsewhere, who had begun doing umra at one of the mawaqit, should stop saying the talbiya, and he said, "Someone who goes into ihram at one of the mawaqit should stop saying the talbiya when he arrives at the Haram."
Malik added, "I have heard that Abdullah ibn Umar used to do that."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقْطَعُ التَّلْبِيَةَ فِي الْعُمْرَةِ إِذَا دَخَلَ الْحَرَمَ . قَالَ مَالِكٌ فِيمَنْ أَحْرَمَ مِنَ التَّنْعِيمِ إِنَّهُ يَقْطَعُ التَّلْبِيَةَ حِينَ يَرَى الْبَيْتَ . قَالَ يَحْيَى سُئِلَ مَالِكٌ عَنِ الرَّجُلِ يَعْتَمِرُ مِنْ بَعْضِ الْمَوَاقِيتِ وَهُوَ مِنْ أَهْلِ الْمَدِينَةِ أَوْ غَيْرِهِمْ مَتَى يَقْطَعُ التَّلْبِيَةَ قَالَ أَمَّا الْمُهِلُّ مِنَ الْمَوَاقِيتِ فَإِنَّهُ يَقْطَعُ التَّلْبِيَةَ إِذَا انْتَهَى إِلَى الْحَرَمِ . قَالَ وَبَلَغَنِي أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ كَانَ يَصْنَعُ ذَلِكَ .

USC-MSA web (English) reference : Book 20, Hadith 60
Arabic reference : Book 20, Hadith 765

Yahya related to me from Malik, from Ibn Shihab, that Muhammad ibn Abdullah ibn al-Harith ibn Nawfal ibn Abd al-Muttalib told him that he had heard Sad ibn Abi Waqqas and ad-Dahhak ibn Qays discussing tamattu in between umra and hajj. Ad-Dahhak ibn Qays said, "Only someone who is ignorant of what Allah, the Exalted and Glorified, says would do that." Whereupon Sad said, "How wrong is what you have just said, son of my brother!" Ad-Dahhak said, ''Umar ibn al-Khattab forbade that," and Sad said, "The Messenger of Allah, may Allah bless him and grant him peace, did it, and we did it with him."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ نَوْفَلِ بْنِ عَبْدِ الْمُطَّلِبِ، أَنَّهُ حَدَّثَهُ أَنَّهُ، سَمِعَ سَعْدَ بْنَ أَبِي وَقَّاصٍ، وَالضَّحَّاكَ بْنَ قَيْسٍ، عَامَ حَجَّ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ - وَهُمَا يَذْكُرَانِ التَّمَتُّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ - فَقَالَ الضَّحَّاكُ بْنُ قَيْسٍ لاَ يَفْعَلُ ذَلِكَ إِلاَّ مَنْ جَهِلَ أَمْرَ اللَّهِ عَزَّ وَجَلَّ . فَقَالَ سَعْدٌ بِئْسَ مَا قُلْتَ يَا ابْنَ أَخِي . فَقَالَ الضَّحَّاكُ فَإِنَّ عُمَرَ بْنَ الْخَطَّابِ قَدْ نَهَى عَنْ ذَلِكَ . فَقَالَ سَعْدٌ قَدْ صَنَعَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم وَصَنَعْنَاهَا مَعَهُ .

USC-MSA web (English) reference : Book 20, Hadith 61
Arabic reference : Book 20, Hadith 766

Yahya related to me from Malik, from Sadaqa ibn Yasar, that Abdullah ibn Umar said, "By Allah, I would rather do umra before hajj and sacrifice an animal than do umra after hajj in the month of Dhu'l-Hijja."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ صَدَقَةَ بْنِ يَسَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ وَاللَّهِ لأَنْ أَعْتَمِرَ قَبْلَ الْحَجِّ وَأُهْدِيَ أَحَبُّ إِلَىَّ مِنْ أَنْ أَعْتَمِرَ بَعْدَ الْحَجِّ فِي ذِي الْحِجَّةِ .

USC-MSA web (English) reference : Book 20, Hadith 62
Arabic reference : Book 20, Hadith 767

Yahya related to me from Malik, from Abdullah ibn Dinar, that Abdullah ibn Umar used to say, "Anyone that does umra in the months of hajj, that is, in Shawwal, Dhu'l-Qada, or in Dhu'l-Hijja before the hajj, and then stays in Makka until the time for hajj, is doing tamattu if he then does hajj. He must sacrifice whatever animal it is easy for him to obtain, and if he cannot find one then he must fast three days during hajj and seven days when he returns."

Malik said, "This is only the case if he stays until the hajj and does hajj in that same year."
Malik said that if someone who was from Makka but had stopped living there and gone to live elsewhere, came back to do umra in the months of the hajj and then stayed in Makka to begin hajj there, he was doing tamattu, and had to offer up a sacrificial animal, or fast if he could not find one. He was not the same as the people of Makka.
Malik was asked whether someone who was not from Makka and entered Makka to do umra in the months of hajj with the intention of staying on to begin his hajj there was doing tamattu or not, and he said, "Yes, he is doing tamattu, and he is not the same as the people of Makka, even if he has the intention of staying there. This is because he has entered Makka, and is not one of its people, and making a sacrifice or fasting is incumbent on anyone who is not from Makka, and, although he intends to stay, he does not know what possibilities might arise later. He is not one of the people of Makka."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ مَنِ اعْتَمَرَ فِي أَشْهُرِ الْحَجِّ فِي شَوَّالٍ أَوْ ذِي الْقَعْدَةِ أَوْ فِي ذِي الْحِجَّةِ قَبْلَ الْحَجِّ ثُمَّ أَقَامَ بِمَكَّةَ حَتَّى يُدْرِكَهُ الْحَجُّ فَهُوَ مُتَمَتِّعٌ إِنْ حَجَّ وَعَلَيْهِ مَا اسْتَيْسَرَ مِنَ الْهَدْىِ فَإِنْ لَمْ يَجِدْ فَصِيَامُ ثَلاَثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعَ . قَالَ مَالِكٌ وَذَلِكَ إِذَا أَقَامَ حَتَّى الْحَجِّ ثُمَّ حَجَّ مِنْ عَامِهِ . قَالَ مَالِكٌ فِي رَجُلٍ مِنْ أَهْلِ مَكَّةَ انْقَطَعَ إِلَى غَيْرِهَا وَسَكَنَ سِوَاهَا ثُمَّ قَدِمَ مُعْتَمِرًا فِي أَشْهُرِ الْحَجِّ ثُمَّ أَقَامَ بِمَكَّةَ حَتَّى أَنْشَأَ الْحَجَّ مِنْهَا إِنَّهُ مُتَمَتِّعٌ يَجِبُ عَلَيْهِ الْهَدْىُ أَوِ الصِّيَامُ إِنْ لَمْ يَجِدْ هَدْيًا وَأَنَّهُ لاَ يَكُونُ مِثْلَ أَهْلِ مَكَّةَ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ مِنْ غَيْرِ أَهْلِ مَكَّةَ دَخَلَ مَكَّةَ بِعُمْرَةٍ فِي أَشْهُرِ الْحَجِّ وَهُوَ يُرِيدُ الإِقَامَةَ بِمَكَّةَ حَتَّى يُنْشِئَ الْحَجَّ أَمُتَمَتِّعٌ هُوَ فَقَالَ نَعَمْ هُوَ مُتَمَتِّعٌ وَلَيْسَ هُوَ مِثْلَ أَهْلِ مَكَّةَ وَإِنْ أَرَادَ الإِقَامَةَ وَذَلِكَ أَنَّهُ دَخَلَ مَكَّةَ وَلَيْسَ هُوَ مِنْ أَهْلِهَا وَإِنَّمَا الْهَدْىُ أَوِ الصِّيَامُ عَلَى مَنْ لَمْ يَكُنْ مِنْ أَهْلِ مَكَّةَ وَأَنَّ هَذَا الرَّجُلَ يُرِيدُ الإِقَامَةَ وَلاَ يَدْرِي مَا يَبْدُو لَهُ بَعْدَ ذَلِكَ وَلَيْسَ هُوَ مِنْ أَهْلِ مَكَّةَ .

USC-MSA web (English) reference : Book 20, Hadith 63
Arabic reference : Book 20, Hadith 768

Yahya related to me from Malik that Yahya ibn Said used to hear Said ibn al-Musayyab say, "Anyone that does umra in Shawwal, Dhu'l-Qada or Dhu l-Hijja, and then stays in Makka until it is time for the hajj, is doing tamattu if he then does hajj. He must sacrifice whatever animal it is easy for him to obtain, and if he cannot find one then he must fast three days during hajj and seven days when he returns."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ مَنِ اعْتَمَرَ فِي شَوَّالٍ أَوْ ذِي الْقَعْدَةِ أَوْ فِي ذِي الْحِجَّةِ ثُمَّ أَقَامَ بِمَكَّةَ حَتَّى يُدْرِكَهُ الْحَجُّ فَهُوَ مُتَمَتِّعٌ إِنْ حَجَّ وَمَا اسْتَيْسَرَ مِنَ الْهَدْىِ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلاَثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعَ .

USC-MSA web (English) reference : Book 20, Hadith 64
Arabic reference : Book 20, Hadith 769

Malik said, "Someone who does umra in Shawwal, Dhu'l-Qada or Dhu'l-Hijja and then goes back to his people, and then returns and does hajj in that same year does not have to sacrifice an animal. Sacrificing an animal is only incumbent on some one who does umra in the months of hajj, and then stays in Makka and then does hajj. A person

not from Makka who moves to Makka and establishes his home there and does umra in the months of the hajj and then begins his hajj there is not doing tamattu. He does not have to sacrifice an animal nor does he have to fast. He is in the same position as the people of Makka if he is one of those who are living there."

Malik was asked whether a man from Makka who had gone to live in another town or had been on a journey and then returned to Makka with the intention of staying there, regardless of whether he had a family there or not, and entered it to do umra in the months of the hajj, and then began his hajj there, beginning his umra at the miqat of the Prophet, may Allah bless him and grant him peace, or at a place nearer than that, was doing tamattu or not?
Malik answered, "He does not have to sacrifice an animal or fast as someone who is doing tamattu has to do. This is because Allah, the Blessed and Exalted, says in His Book, 'That is for someone whose family are not present at Masjid al-Haram. '

USC-MSA web (English) reference : Book 20, Hadith 65

Yahya related to me from Malik, from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, from Abu Salih as-Samman, from Abu Hurayra, that the Messenger of Allah, may Allah bless him and grant him peace ,said, "Umra is an expiation for what is between it and the next umra, and the only reward for an accepted hajj is the Garden."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الْعُمْرَةُ إِلَى الْعُمْرَةِ كَفَّارَةٌ لِمَا بَيْنَهُمَا وَالْحَجُّ الْمَبْرُورُ لَيْسَ لَهُ جَزَاءٌ إِلاَّ الْجَنَّةُ " .

USC-MSA web (English) reference : Book 20, Hadith 66
Arabic reference : Book 20, Hadith 770

Yahya related to me from Malik that Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, heard Abu Bakribn Abd ar-Rahman say, "A woman came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'I had arranged to do hajj, but I was prevented,' and the Messenger of Allah, may Allah bless him and grant him peace, said, 'Do umra in Ramadan, for doing umra in it is like doing hajj.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ أَنَّهُ سَمِعَ أَبَا بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ، يَقُولُ جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَتْ إِنِّي قَدْ كُنْتُ تَجَهَّزْتُ لِلْحَجِّ فَاعْتَرَضَ لِي . فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " اعْتَمِرِي فِي رَمَضَانَ فَإِنَّ عُمْرَةً فِيهِ كَحِجَّةٍ " .

USC-MSA web (English) reference : Book 20, Hadith 67
Arabic reference : Book 20, Hadith 771

Yahya related to me from Malik, from Nafi, from Abdullah ibn Umar, that Umar ibn al-Khattab said, "Keep your hajj separate from your umra. That way your hajj will be more complete. And your umra will be more complete if you do it outside of the months of the hajj."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ افْصِلُوا بَيْنَ حَجِّكُمْ وَعُمْرَتِكُمْ فَإِنَّ ذَلِكَ أَتَمُّ لِحَجِّ أَحَدِكُمْ وَأَتَمُّ لِعُمْرَتِهِ أَنْ يَعْتَمِرَ فِي غَيْرِ أَشْهُرِ الْحَجِّ .

USC-MSA web (English) reference : Book 20, Hadith 68
Arabic reference : Book 20, Hadith 772

Yahya related to me from Malik that he had heard that Uthman ibn Affan would sometimes never get down from the animal he was riding on when he was doing umra, until he had returned .

Malik said, "Umra is a sunna, and we do not know of any muslim who has ever said that it is permissible not to do it."
Malik said, "I do not think that anyone can do more than one umra in any one year."
Malik said that someone doing umra who had sexual intercourse with his wife had to sacrifice an animal and do a second umra, which he had to begin when he had finished the one that he had spoiled. He should go into ihram at the same place where he went into ihram for the umra which he had spoiled, except if he had entered into ihram at a place further away than his miqat. This was because he only had to go into ihram from his miqat.
Malik said, "Someone who entered Makka to do umra, and does tawaf of the House and say between Safa and Marwa while he is junub, or not in wudu, and afterwards has intercourse with his wife, and then remembers, should do ghusl, or wudu, and then go back and do tawaf around the House and say between Safa and Marwa and do another umra and sacrifice an animal. A woman should do the same if her husband has intercourse with her while she is in ihram. "
Malik said, "As for beginning umra at at-Tanim, (it is not the only alternative). It is permissible if Allah wills for some one to leave the Haram and go into ihram if he wishes, but the best way is for him to go into ihram at the miqat which the Messenger of Allah, may Allah bless him and grant him peace, used (i.e. at-Tanim), or one which is further away."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُثْمَانَ بْنَ عَفَّانَ، كَانَ إِذَا اعْتَمَرَ رُبَّمَا لَمْ يَحْطُطْ عَنْ رَاحِلَتِهِ حَتَّى يَرْجِعَ . قَالَ مَالِكٌ الْعُمْرَةُ سُنَّةٌ وَلاَ نَعْلَمُ أَحَدًا مِنَ الْمُسْلِمِينَ أَرْخَصَ فِي تَرْكِهَا . قَالَ مَالِكٌ وَلاَ أَرَى لأَحَدٍ أَنْ يَعْتَمِرَ فِي السَّنَةِ مِرَارًا . قَالَ مَالِكٌ فِي الْمُعْتَمِرِ يَقَعُ بِأَهْلِهِ إِنَّ عَلَيْهِ فِي ذَلِكَ الْهَدْىَ وَعُمْرَةً أُخْرَى يَبْتَدِئُ بِهَا بَعْدَ إِتْمَامِهِ الَّتِي أَفْسَدَ وَيُحْرِمُ مِنْ حَيْثُ أَحْرَمَ بِعُمْرَتِهِ الَّتِي أَفْسَدَ إِلاَّ أَنْ يَكُونَ أَحْرَمَ مِنْ مَكَانٍ أَبْعَدَ مِنْ مِيقَاتِهِ فَلَيْسَ عَلَيْهِ أَنْ يُحْرِمَ إِلاَّ مِنْ مِيقَاتِهِ . قَالَ مَالِكٌ وَمَنْ دَخَلَ مَكَّةَ بِعُمْرَةٍ فَطَافَ بِالْبَيْتِ وَسَعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ وَهُوَ جُنُبٌ أَوْ عَلَى غَيْرِ وُضُوءٍ ثُمَّ وَقَعَ بِأَهْلِهِ ثُمَّ ذَكَرَ - قَالَ - يَغْتَسِلُ أَوْ يَتَوَضَّأُ ثُمَّ يَعُودُ فَيَطُوفُ بِالْبَيْتِ وَيَسْعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ وَيَعْتَمِرُ عُمْرَةً أُخْرَى وَيُهْدِي وَعَلَى الْمَرْأَةِ إِذَا أَصَابَهَا زَوْجُهَا وَهِيَ مُحْرِمَةٌ مِثْلُ ذَلِكَ . قَالَ مَالِكٌ فَأَمَّا الْعُمْرَةُ مِنَ التَّنْعِيمِ فَإِنَّهُ مَنْ شَاءَ أَنْ يَخْرُجَ مِنَ الْحَرَمِ ثُمَّ يُحْرِمَ فَإِنَّ ذَلِكَ مُجْزِئٌ عَنْهُ إِنْ شَاءَ اللَّهُ وَلَكِنِ الْفَضْلُ أَنْ يُهِلَّ مِنَ الْمِيقَاتِ الَّذِي وَقَّتَ رَسُولُ اللَّهِ صلى الله عليه وسلم أَوْ مَا هُوَ أَبْعَدُ مِنَ التَّنْعِيمِ .

USC-MSA web (English) reference : Book 20, Hadith 69
Arabic reference : Book 20, Hadith 773

Yahya related to me from Malik, from Rabia ibn Abi Abd ar-Rahman, from Sulayman ibn Yasar, that the Messenger of Allah, may Allah bless him and grant him peace, sent Abu Rafi and a man of the Ansar to arrange his marriage to Maymuna bint al-Harith, and the Messenger of Allah, may Allah bless him and grant him peace, was in Madina before he had left for umra.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم بَعَثَ أَبَا رَافِعٍ وَرَجُلاً مِنَ الأَنْصَارِ فَزَوَّجَاهُ مَيْمُونَةَ بِنْتَ الْحَارِثِ وَرَسُولُ اللَّهِ صلى الله عليه وسلم بِالْمَدِينَةِ قَبْلَ أَنْ يَخْرُجَ .

USC-MSA web (English) reference : Book 20, Hadith 70
Arabic reference : Book 20, Hadith 774

Yahya related to me from Malik, from Nafi, from Nubayh ibn Wahb, who was from the tribe of Bani Abd ad-Dar, that Umar ibn Ubaydullah sent a message to Aban ibn Uthman (who was amir of the hajj at the time), while both of them were in ihram, saying, "I want to marry Bint Shayba ibn Jubayr to Talha ibn Umar and I want you to be present." Aban told him that he should not do that and said, "I heard Uthman ibn Affan say that the Messenger of Allah, may Allah bless him and grant him peace, said, 'A man in ihram should not marry, or give in marriage, or get betrothed.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ نُبَيْهِ بْنِ وَهْبٍ، أَخِي بَنِي عَبْدِ الدَّارِ أَنَّ عُمَرَ بْنَ عُبَيْدِ اللَّهِ، أَرْسَلَ إِلَى أَبَانَ بْنِ عُثْمَانَ - وَأَبَانُ يَوْمَئِذٍ أَمِيرُ الْحَاجِّ وَهُمَا مُحْرِمَانِ - إِنِّي قَدْ أَرَدْتُ أَنْ أُنْكِحَ طَلْحَةَ بْنَ عُمَرَ بِنْتَ شَيْبَةَ بْنِ جُبَيْرٍ وَأَرَدْتُ أَنْ تَحْضُرَ ‏.‏ فَأَنْكَرَ ذَلِكَ عَلَيْهِ أَبَانُ وَقَالَ سَمِعْتُ عُثْمَانَ بْنَ عَفَّانَ يَقُولُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ لاَ يَنْكِحِ الْمُحْرِمُ وَلاَ يُنْكِحْ وَلاَ يَخْطُبْ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 71
Arabic reference : Book 20, Hadith 775

Yahya related to me from Malik, from Da'ud ibn al-Husayn, that Abu Ghatafan ibn Tarif al-Murri told him that his father Tarif had married a woman while he was in ihram, and Umar ibn al-Khattab had rescinded the marriage.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، أَنَّ أَبَا غَطَفَانَ بْنَ طَرِيفٍ الْمُرِّيَّ، أَخْبَرَهُ أَنَّ أَبَاهُ طَرِيفًا تَزَوَّجَ امْرَأَةً وَهُوَ مُحْرِمٌ فَرَدَّ عُمَرُ بْنُ الْخَطَّابِ نِكَاحَهُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 72
Arabic reference : Book 20, Hadith 776

Yahya related to me from Malik, from Nafi, that Abdullah ibn Umar used to say, "Someone in ihram may neither get married, nor arrange a marriage for himself or others."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ لاَ يَنْكِحِ الْمُحْرِمُ وَلاَ

USC-MSA web (English) reference : Book 20, Hadith 73
Arabic reference : Book 20, Hadith 777

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab, Salim ibn Abdullah and Sulayman ibn Yasar were asked about whether someone in ihram could get married, and they said, "Some one in ihram may neither get married nor give some one in marriage."

Malik said that a man who was in ihram could return to his wife if he wanted to, if she was still in her idda after she had been divorced from him.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، وَسَالِمَ بْنَ عَبْدِ اللَّهِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، سُئِلُوا عَنْ نِكَاحِ الْمُحْرِمِ، فَقَالُوا لاَ يَنْكِحِ الْمُحْرِمُ وَلاَ يُنْكِحْ ‏.‏ قَالَ مَالِكٌ فِي الرَّجُلِ الْمُحْرِمِ إِنَّهُ يُرَاجِعُ امْرَأَتَهُ إِنْ شَاءَ إِذَا كَانَتْ فِي عِدَّةٍ مِنْهُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 74
Arabic reference : Book 20, Hadith 778

Yahya related to me from Malik, from Yahya ibn Sa'id, from Sulayman ibn Yasar, that the Messenger of Allah, may Allah bless him and grant him peace, was once cupped on the top of his head while he was in ihram, at Lahyay Jamal, which is a place on the road to Makka.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم احْتَجَمَ وَهُوَ مُحْرِمٌ فَوْقَ رَأْسِهِ وَهُوَ يَوْمَئِذٍ بِلَحْيَىْ جَمَلٍ مَكَانٌ بِطَرِيقِ مَكَّةَ .

USC-MSA web (English) reference : Book 20, Hadith 75
Arabic reference : Book 20, Hadith 779

Yahya related to me from Malik, from Nafi, that Abdullah ibn Umar used to say, "Someone in ihram should not be cupped, except when there is no other alternative."

Malik said, "Someone who is in ihram should not be cupped except when it is necessary."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ لاَ يَحْتَجِمُ الْمُحْرِمُ إِلاَّ مِمَّا لاَ بُدَّ لَهُ مِنْهُ . قَالَ مَالِكٌ لاَ يَحْتَجِمُ الْمُحْرِمُ إِلاَّ مِنْ ضَرُورَةٍ .

USC-MSA web (English) reference : Book 20, Hadith 76
Arabic reference : Book 20, Hadith 780

Yahya related to me from Malik, from Abu'n-Nadr, the mawla of 'Umar ibn 'Ubaydullah at-Taymi, from Nafi, the mawla of Abu Qatada al- Ansari, that Abu Qatada was once with the Messenger of Allah, may Allah bless him and grant him peace. When they got to one of the roads to Makka he fell behind with some companions of his who were muhrim, while he was not. Then he saw a wild ass, so he got on his mount and asked his companions to give him his whip but they refused. Then he asked them for his spear and they refused to give it to him. So he took hold of it and attacked the ass and killed it. Some of the companions of the Messenger of Allah, may Allah bless him and grant him peace, ate from it, and others refused. When they had caught up with the Messenger of Allah, may Allah bless him and grant him peace, they asked him about it and he said, "It is food that Allah has fed you with."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ التَّيْمِيِّ عَنْ نَافِعٍ، مَوْلَى أَبِي قَتَادَةَ الأَنْصَارِيِّ عَنْ أَبِي قَتَادَةَ، أَنَّهُ كَانَ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم حَتَّى إِذَا كَانُوا بِبَعْضِ طَرِيقِ مَكَّةَ تَخَلَّفَ مَعَ أَصْحَابٍ لَهُ مُحْرِمِينَ وَهُوَ غَيْرُ مُحْرِمٍ فَرَأَى حِمَارًا وَحْشِيًّا فَاسْتَوَى عَلَى فَرَسِهِ فَسَأَلَ أَصْحَابَهُ أَنْ يُنَاوِلُوهُ سَوْطَهُ فَأَبَوْا عَلَيْهِ فَسَأَلَهُمْ رُمْحَهُ فَأَبَوْا فَأَخَذَهُ ثُمَّ شَدَّ عَلَى الْحِمَارِ فَقَتَلَهُ فَأَكَلَ مِنْهُ بَعْضُ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم وَأَبَى بَعْضُهُمْ فَلَمَّا أَدْرَكُوا رَسُولَ اللَّهِ صلى الله عليه وسلم سَأَلُوهُ عَنْ ذَلِكَ فَقَالَ " إِنَّمَا هِيَ طُعْمَةٌ أَطْعَمَكُمُوهَا اللَّهُ " .

USC-MSA web (English) reference : Book 20, Hadith 77
Arabic reference : Book 20, Hadith 781

Yahya related to me from Malik, from Hisham ibn Urwa, from his father, that az-Zubayr ibn al-Awwam used to take dried gazelle meat (safif adh-dhiba) as provisions while he was in ihram.

Malik said, "Safif are dried strips of meat."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ الزُّبَيْرَ بْنَ الْعَوَّامِ، كَانَ يَتَزَوَّدُ صَفِيفَ الظِّبَاءِ وَهُوَ مُحْرِمٌ . قَالَ مَالِكٌ وَالصَّفِيفُ الْقَدِيدُ .

USC-MSA web (English) reference : Book 20, Hadith 78
Arabic reference : Book 20, Hadith 782

Yahya related to me from Malik, from Zayd ibn Aslam, that Ata ibn Yasar had told him, from Abu Qatada, the same hadith about the wild ass as that of Abu'n-Nadr, except that in the hadith of Zayd ibn Aslam the Messenger of Allah, may Allah bless him and grant him peace, said, "Do you still have any of its meat?"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ عَطَاءَ بْنَ يَسَارٍ، أَخْبَرَهُ عَنْ أَبِي قَتَادَةَ، فِي الْحِمَارِ الْوَحْشِيِّ مِثْلَ حَدِيثِ أَبِي النَّضْرِ إِلاَّ أَنَّ فِي، حَدِيثِ زَيْدِ بْنِ أَسْلَمَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " هَلْ مَعَكُمْ مِنْ لَحْمِهِ شَىْءٌ " .

USC-MSA web (English) reference : Book 20, Hadith 79
Arabic reference : Book 20, Hadith 783

Yahya related to me from Malik that Yahya ibn Said al-Ansari said that Muhammad ibn Ibrahim ibn al-Harith at-Taymi told him from Isa ibn Talha ibn Ubaydullah, fromUmayr ibn Salama ad-Damri, from al-Bahzi, that the Messenger of Allah, may Allah bless him and grant him peace, set out once for Makka while in ihram. When they had reached ar-Rawha, they unexpectedly came upon a wounded wild ass. Someone mentioned it to the Messenger of Allah, may Allah bless him and grant him peace, and hesaid, "Leave it. The man to whom it belongs is about to come." Then al-Bahzi, who was the man, came to the Prophet, may Allah bless him and grant him peace, and said, "Messenger of Allah, do whatever you want with this ass,' and the Messenger of Allah, may Allah bless him and grant him peace, told Abu Bakr to divide it up among the company. Then they went on until they came to the well of al-Uthaba, which was between ar-Ruwaytha and al-Arj (between Makka and Madina), where they unexpectedly came upon a gazelle with an arrow in it, Iying on its side in some shade. He claimed that the Messenger of Allah, may Allah bless him and grant him peace, told someone to stand by it to make sure no one disturbed it until everyone had passed by.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ الأَنْصَارِيِّ، أَنَّهُ قَالَ أَخْبَرَنِي مُحَمَّدُ بْنُ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيُّ، عَنْ عِيسَى بْنِ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ، عَنْ عُمَيْرِ بْنِ سَلَمَةَ الضَّمْرِيِّ، عَنِ الْبَهْزِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم خَرَجَ يُرِيدُ مَكَّةَ وَهُوَ مُحْرِمٌ حَتَّى إِذَا كَانَ بِالرَّوْحَاءِ إِذَا حِمَارٌ وَحْشِيٌّ عَقِيرٌ فَذُكِرَ ذَلِكَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ " دَعُوهُ فَإِنَّهُ يُوشِكُ أَنْ يَأْتِيَ صَاحِبُهُ " . فَجَاءَ الْبَهْزِيُّ وَهُوَ صَاحِبُهُ إِلَى النَّبِيِّ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ شَأْنَكُمْ بِهَذَا الْحِمَارِ . فَأَمَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم أَبَا بَكْرٍ فَقَسَمَهُ بَيْنَ الرِّفَاقِ ثُمَّ مَضَى حَتَّى إِذَا كَانَ بِالأُثَايَةِ - بَيْنَ الرُّوَيْثَةِ وَالْعَرْجِ - إِذَا ظَبْىٌ حَاقِفٌ فِي ظِلٍّ فِيهِ سَهْمٌ فَزَعَمَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَمَرَ رَجُلاً أَنْ يَقِفَ عِنْدَهُ لاَ يَرِيبُهُ أَحَدٌ مِنَ النَّاسِ حَتَّى يُجَاوِزَهُ .

USC-MSA web (English) reference : Book 20, Hadith 80
Arabic reference : Book 20, Hadith 784

Yahya related to me from Malik, from Yahya ibn Said, that he heard Said ibn al-Musayyab relating from Abu Hurayra that he was once coming back from Bahrayn, and, when he reached ar-Rabadha, he found a caravan of people from Iraq in ihram, who asked him whether they could eat the meat of some game which they had found with the people of ar- Rabadha, and he told them they could eat it. He said, "Afterwards I had doubts about what I had told them to do, so when I got back to Madina I mentioned the matter to Umar ibn al-Khattab and he said, 'What did you tell them to do?' I said, ' I told them to eat it.' Umar ibn al-Khattab said, threatening me, 'If you had told them to do anything else I would have done something to you.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يُحَدِّثُ عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ أَقْبَلَ مِنَ الْبَحْرَيْنِ حَتَّى إِذَا كَانَ بِالرَّبَذَةِ وَجَدَ رَكْبًا مِنْ أَهْلِ الْعِرَاقِ مُحْرِمِينَ فَسَأَلُوهُ عَنْ لَحْمِ صَيْدٍ وَجَدُوهُ عِنْدَ أَهْلِ الرَّبَذَةِ فَأَمَرَهُمْ بِأَكْلِهِ قَالَ ثُمَّ إِنِّي شَكَكْتُ فِيمَا

أَمَرْتُهُمْ بِهِ فَلَمَّا قَدِمْتُ الْمَدِينَةَ ذَكَرْتُ ذَلِكَ لِعُمَرَ بْنِ الْخَطَّابِ فَقَالَ عُمَرُ مَاذَا أَمَرْتَهُمْ بِهِ فَقَالَ أَمَرْتُهُمْ بِأَكْلِهِ . فَقَالَ عُمَرُ بْنُ الْخَطَّابِ لَوْ أَمَرْتَهُمْ بِغَيْرِ ذَلِكَ لَفَعَلْتُ بِكَ يَتَوَاعَدُهُ .

USC-MSA web (English) reference : Book 20, Hadith 81
Arabic reference : Book 20, Hadith 785

Yahya related to me from Malik, from Ibn Shihab, that Salim ibn Abdullah heard Abu Hurayra relating to Abdullah ibn Umar how a group of three people in ihram had passed him at ar-Rabadha and had asked him for a fatwa about eating game which people who were not in ihram were eating, and he told them that they could eat it. He said, "Then I went to Umar ibn al-Khattab in Madina and asked him about it, and he said, 'What did you say to them?' and I said, 'I told them that they could eat it.' Umar said, 'If you had told them anything else I would have done you an injury.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ، يُحَدِّثُ عَبْدَ اللَّهِ بْنَ عُمَرَ أَنَّهُ مَرَّ بِهِ قَوْمٌ مُحْرِمُونَ بِالرَّبَذَةِ فَاسْتَفْتَوْهُ فِي لَحْمِ صَيْدٍ وَجَدُوا نَاسًا أَحِلَّةً يَأْكُلُونَهُ فَأَفْتَاهُمْ بِأَكْلِهِ قَالَ ثُمَّ قَدِمْتُ الْمَدِينَةَ عَلَى عُمَرَ بْنِ الْخَطَّابِ فَسَأَلْتُهُ عَنْ ذَلِكَ فَقَالَ بِمَ أَفْتَيْتَهُمْ قَالَ فَقُلْتُ أَفْتَيْتُهُمْ بِأَكْلِهِ . قَالَ فَقَالَ عُمَرُ لَوْ أَفْتَيْتَهُمْ بِغَيْرِ ذَلِكَ لأَوْجَعْتُكَ .

USC-MSA web (English) reference : Book 20, Hadith 82
Arabic reference : Book 20, Hadith 786

Yahya related to me from Malik, from Zayd ibn Aslam, from Ata ibn Yasar, that Kab al-Ahbar was once coming back from Syria with a group of riders, and at a certain point along the road they found some game- meat and Kab said they could eat it. When they got back to Madina they went to Umar ibn al-Khattab and told him about that, and he said, "Who told you you could do that?", and they said, "Kab." He said, "He was indeed the one I made amir over you until you should return."

Later, when they were on the road to Makka, a swarm of locusts passed them by and Kab told them to catch them and eat them. When they got back to Umar ibn al-Khattab they told him about this, and he said (to Kab), "What made you tell them they could do that?" Kab said, "It is game of the sea." He said, "How do you know?", and Kab said, "Amir al- muminin, by the One in whose hand my self is, it is only the sneeze of a fish which it sneezes twice every year."
Malik was asked whether a muhrim could buy game that he had found on the way. He replied, "Game that is only hunted to be offered to people performing Hajj I disapprove of and forbid, but there is no harm in game that a man has which he does not intend for those in ihram, but which a muhrim finds and buys."
Malik said, about someone who had some game with him that he had hunted or bought at the time when he had entered into ihram, that he did not have to get rid of it, and that there was no harm in him giving it to his family.
Malik said that it was halal for some one in ihram to fish in the sea or in rivers and lakes, etc.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ كَعْبَ الأَحْبَارِ، أَقْبَلَ مِنَ الشَّامِ فِي رَكْبٍ حَتَّى إِذَا كَانُوا بِبَعْضِ الطَّرِيقِ وَجَدُوا لَحْمَ صَيْدٍ فَأَفْتَاهُمْ كَعْبٌ بِأَكْلِهِ قَالَ فَلَمَّا قَدِمُوا عَلَى عُمَرَ بْنِ الْخَطَّابِ بِالْمَدِينَةِ ذَكَرُوا ذَلِكَ لَهُ فَقَالَ مَنْ أَفْتَاكُمْ بِهَذَا قَالُوا كَعْبٌ . قَالَ فَإِنِّي قَدْ أَمَّرْتُهُ عَلَيْكُمْ حَتَّى تَرْجِعُوا ثُمَّ لَمَّا كَانُوا بِبَعْضِ طَرِيقِ مَكَّةَ مَرَّتْ بِهِمْ رِجْلٌ مِنْ جَرَادٍ فَأَفْتَاهُمْ كَعْبٌ أَنْ يَأْخُذُوهُ فَيَأْكُلُوهُ فَلَمَّا قَدِمُوا عَلَى عُمَرَ بْنِ الْخَطَّابِ ذَكَرُوا لَهُ ذَلِكَ فَقَالَ مَا حَمَلَكَ عَلَى أَنْ تُفْتِيَهُمْ بِهَذَا قَالَ هُوَ مِنْ صَيْدِ الْبَحْرِ . قَالَ وَمَا يُدْرِيكَ قَالَ يَا أَمِيرَ الْمُؤْمِنِينَ - وَالَّذِي نَفْسِي بِيَدِهِ - إِنْ هِيَ إِلاَّ نَثْرَةُ حُوتٍ يَنْثُرُهُ فِي كُلِّ عَامٍ مَرَّتَيْنِ .

USC-MSA web (English) reference : Book 20, Hadith 83
Arabic reference : Book 20, Hadith 787

Yahya related to me from Malik, from Ibn Shihab, from Ubaydullah ibn Abdullah ibn Utba ibn Masud, from Abdullah ibn Abbas, that as-Sab ibn Jaththama al-Laythi once gave a wild ass to the Messenger of Allah, may Allah bless him and grant him peace, while he was at al- Abwa, or Waddan, and the Messenger of Allah, may Allah bless him and grant him peace, gave it back to him. However, when the Messenger of Allah, may Allah bless him and grant him peace, saw the expression on the man's face he said, "We only gave it back to you because we are in ihram."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنِ الصَّعْبِ بْنِ جَثَّامَةَ اللَّيْثِيِّ، أَنَّهُ أَهْدَى لِرَسُولِ اللَّهِ صلى الله عليه وسلم حِمَارًا وَحْشِيًّا وَهُوَ بِالأَبْوَاءِ أَوْ بِوَدَّانَ فَرَدَّهُ عَلَيْهِ رَسُولُ اللَّهِ صلى الله عليه وسلم فَلَمَّا رَأَى رَسُولُ اللَّهِ صلى الله عليه وسلم مَا فِي وَجْهِي قَالَ " إِنَّا لَمْ نَرُدَّهُ عَلَيْكَ إِلاَّ أَنَّا حُرُمٌ " .

USC-MSA web (English) reference : Book 20, Hadith 84
Arabic reference : Book 20, Hadith 788

Yahya related to me from Malik, from Abdullah ibn Abi Bakr, that Abd ar-Rahman ibn Amir ibn Rabia said, "I once saw Uthman ibn Affan in ihram on a hot summer's day at al-Arj,and he had covered his face with a red woollen cloth. Some game-meat was brought to him and he told his companions to eat. They said, 'Will you not eat then?', and he said, 'I am not in the same position as you. It was hunted for my sake.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَامِرِ بْنِ رَبِيعَةَ، قَالَ رَأَيْتُ عُثْمَانَ بْنَ عَفَّانَ بِالْعَرْجِ وَهُوَ مُحْرِمٌ فِي يَوْمٍ صَائِفٍ قَدْ غَطَّى وَجْهَهُ بِقَطِيفَةِ أُرْجُوَانٍ ثُمَّ أُتِيَ بِلَحْمِ صَيْدٍ فَقَالَ لأَصْحَابِهِ كُلُوا . فَقَالُوا أَوَلاَ تَأْكُلُ أَنْتَ فَقَالَ إِنِّي لَسْتُ كَهَيْئَتِكُمْ إِنَّمَا صِيدَ مِنْ أَجْلِي .

USC-MSA web (English) reference : Book 20, Hadith 85
Arabic reference : Book 20, Hadith 789

Yahya related to me from Malik, from Hisham ibn Urwa, from his father, that A'isha, umm al-muminin, said to him, "Son of my sister, it is only for ten nights, so if you get an urge to do something, leave it," by which she meant eating game-meat.

Malik said that if game was hunted forthe sake of a man who is in ihram and it was prepared for him and he ate some of it knowing that it had been hunted for his sake, then he had to pay a forfeit for all of the game that had been hunted on his behalf.
Malik was asked about whether someone who was forced to eat carrion while he was in ihram should hunt game and then eat that rather than the carrion, and he said, "It is better for him to eat the carrion, because Allah, the Blessed and Exalted, has not given permission for someone in ihram to either eat game or take it in any situation, but He has made allowances for eating carrion when absolutely necessary."
Malik said, "It is not halal for anyone, whether in ihram or not, to eat game which has been killed or sacrificed by some one in ihram, because, whether it was killed deliberately or by mistake, it was not done in a halal manner, and so eating it is not halal. I have heard this from more than one person. Somebody who kills game and then eats it only has to make a single kaffara, which is the same as for somebody who kills game but does not eat any of it."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا قَالَتْ لَهُ يَا ابْنَ أُخْتِي إِنَّمَا هِيَ عَشْرُ لَيَالٍ فَإِنْ تَخَلَّجَ فِي نَفْسِكَ شَىْءٌ فَدَعْهُ تَعْنِي أَكْلَ لَحْمِ الصَّيْدِ . قَالَ مَالِكٌ فِي الرَّجُلِ الْمُحْرِمِ يُصَادُ مِنْ أَجْلِهِ صَيْدٌ فَيُصْنَعُ لَهُ ذَلِكَ الصَّيْدُ

فَيَأْكُلَ مِنْهُ وَهُوَ يَعْلَمُ أَنَّهُ مِنْ أَجْلِهِ صِيدَ فَإِنَّ عَلَيْهِ جَزَاءَ ذَلِكَ الصَّيْدِ كُلِّهِ . وَسُئِلَ مَالِكٌ عَنِ الرَّجُلِ يُضْطَرُّ إِلَى أَكْلِ الْمَيْتَةِ وَهُوَ مُحْرِمٌ أَيَصِيدُ الصَّيْدَ فَيَأْكُلُهُ أَمْ يَأْكُلُ الْمَيْتَةَ فَقَالَ بَلْ يَأْكُلُ الْمَيْتَةَ وَذَلِكَ أَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى لَمْ يُرَخِّصْ لِلْمُحْرِمِ فِي أَكْلِ الصَّيْدِ وَلاَ فِي أَخْذِهِ فِي حَالٍ مِنَ الأَحْوَالِ وَقَدْ أَرْخَصَ فِي الْمَيْتَةِ عَلَى حَالِ الضَّرُورَةِ . قَالَ مَالِكٌ وَأَمَّا مَا قَتَلَ الْمُحْرِمُ أَوْ ذَبَحَ مِنَ الصَّيْدِ فَلاَ يَحِلُّ أَكْلُهُ لِحَلاَلٍ وَلاَ لِمُحْرِمٍ لأَنَّهُ لَيْسَ بِذَكِيٍّ كَانَ خَطَأً أَوْ عَمْدًا فَأَكْلُهُ لاَ يَحِلُّ وَقَدْ سَمِعْتُ ذَلِكَ مِنْ غَيْرِ وَاحِدٍ وَالَّذِي يَقْتُلُ الصَّيْدَ ثُمَّ يَأْكُلُهُ إِنَّمَا عَلَيْهِ كَفَّارَةٌ وَاحِدَةٌ مِثْلُ مَنْ قَتَلَهُ وَلَمْ يَأْكُلْ مِنْهُ .

USC-MSA web (English) reference : Book 20, Hadith 86
Arabic reference : Book 20, Hadith 790

Malik said, "It is not halal to eat any game that has been hunted in the Haram, or has had a dog set after it in the Haram and then been killed outside the Haram. Anyone that does that has to pay a forfeit for what has been hunted. However, some one that sets his dog after game outside the Haram and then follows it until it is hunted down in the Haram does not have to pay any forfeit, unless he set the dog after the game near to the Haram. The game should not be eaten, however. If he set the dog loose near the Haram then he has to pay a forfeit for the game."

USC-MSA web (English) reference : Book 20, Hadith 87

Malik said, "Allah, the Blessed and Exalted, says, 'O you who trust, do not kill game while you are in ihram. Whoever of you kills game intentionally has to pay a forfeit commensurate with what he has killed in cattle which two men from among you shall judge, a sacrificial animal which reaches the Kaba, or else he makes a kaffara of either feeding poor people or the equivalent of that in fasting, so that he may taste the consequences of what he has done.' " (Sura 5 ayat 95).

Malik said, "Someone who hunts game when he is not in ihram and then kills it while he is in ihram is in the same position as someone who buys game while he is in ihram and then kills it. Allah has forbidden killing it, and so a man who does so has to pay a forfeit for it. The position that we go by in this matter is that a forfeit is assessed for anyone who kills game while he is in ihram."
Yahya said that Malik said, "The best that I have heard about someone who kills game and is assessed for it is that the game which he has killed is assessed and its value in food is estimated and with that food he feeds each poor man a mudd, or fasts a day in place of each mudd. The number of poor men is considered, and if it is ten then he fasts ten days, and if it is twenty he fasts twenty days, according to how many people there are to be fed, even if there are more than sixty."
Malik said, "I have heard that a forfeit is assessed for someone who kills game in the Haram while he is not in ihram in the same way that it is assessed for some one who kills game in the Haram while he is in ihram ."

USC-MSA web (English) reference : Book 20, Hadith 88

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "There are five kinds of animal which it is not wrong for some one in ihram to kill:

crows, kites, scorpions, rats and mice, and wild dogs."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " خَمْسٌ مِنَ الدَّوَابِّ لَيْسَ عَلَى الْمُحْرِمِ فِي قَتْلِهِنَّ جُنَاحٌ الْغُرَابُ وَالْحِدَأَةُ وَالْعَقْرَبُ وَالْفَأْرَةُ وَالْكَلْبُ الْعَقُورُ " .

USC-MSA web (English) reference : Book 20, Hadith 89
Arabic reference : Book 20, Hadith 791

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace,said,"There are five (kinds of) animal which it is not wrong for some one in ihram to kill:

scorpions, rats and mice, crows, kites and wild dogs. "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " خَمْسٌ مِنَ الدَّوَابِّ مَنْ قَتَلَهُنَّ وَهُوَ مُحْرِمٌ فَلاَ جُنَاحَ عَلَيْهِ الْعَقْرَبُ وَالْفَأْرَةُ وَالْغُرَابُ وَالْحِدَأَةُ وَالْكَلْبُ الْعَقُورُ " .

USC-MSA web (English) reference : Book 20, Hadith 90
Arabic reference : Book 20, Hadith 792

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "There are five trespassers that can be killed in the Haram:

rats and mice, scorpions, crows, kites and wild dogs."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " خَمْسٌ فَوَاسِقُ يُقْتَلْنَ فِي الْحَرَمِ الْفَأْرَةُ وَالْعَقْرَبُ وَالْغُرَابُ وَالْحِدَأَةُ وَالْكَلْبُ الْعَقُورُ " .

USC-MSA web (English) reference : Book 20, Hadith 91
Arabic reference : Book 20, Hadith 793

Yahya related to me from Malik from Ibn Shihab that Umar ibn al- Khattab told people to kill snakes in the Haram.

Malik said, about the "wild dogs" which people were told to kill in the Haram, that any animals that wounded, attacked, or terrorised men, such as lions, leopards, Iynxes and wolves, were counted as"wild dogs." However, someone who was in ihram should not kill beasts of prey that did not attack (people), such as hyenas, foxes, cats and anything else like them, and if he did then he had to pay a forfeit for it. Similarly, someone in ihram should not kill any predatory birds except the kinds that the Prophet, may Allah bless him and grant him peace, specified, namely crows and kites. If someone in ihram killed any other kind of bird he had to pay a forfeit for it.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، أَمَرَ بِقَتْلِ الْحَيَّاتِ فِي الْحَرَمِ . قَالَ مَالِكٌ فِي الْكَلْبِ الْعَقُورِ الَّذِي أُمِرَ بِقَتْلِهِ فِي الْحَرَمِ إِنَّ كُلَّ مَا عَقَرَ النَّاسَ وَعَدَا عَلَيْهِمْ وَأَخَافَهُمْ مِثْلُ الأَسَدِ وَالنَّمِرِ وَالْفَهْدِ وَالذِّئْبِ فَهُوَ الْكَلْبُ الْعَقُورُ وَأَمَّا مَا كَانَ مِنَ السِّبَاعِ لاَ يَعْدُو مِثْلُ الضَّبُعِ وَالثَّعْلَبِ وَالْهِرِّ وَمَا أَشْبَهَهُنَّ مِنَ السِّبَاعِ فَلاَ يَقْتُلُهُنَّ الْمُحْرِمُ فَإِنْ قَتَلَهُ فَدَاهُ وَأَمَّا مَا ضَرَّ مِنَ الطَّيْرِ فَإِنَّ الْمُحْرِمَ لاَ يَقْتُلُهُ إِلاَّ مَا سَمَّى النَّبِيُّ صلى الله عليه وسلم الْغُرَابُ وَالْحِدَأَةُ وَإِنْ قَتَلَ الْمُحْرِمُ شَيْئًا مِنَ الطَّيْرِ سِوَاهُمَا فَدَاهُ .

USC-MSA web (English) reference : Book 20, Hadith 92
Arabic reference : Book 20, Hadith 794

Yahya related to me from Yahya ibn Said from Muhammad ibn Ibrahim ibn alHarith at-Taymi from Rabia ibn Abi Abdullah ibn alHudayr that he saw Umar ibn al-Khattab taking the ticks off a camel of his at as- Suqya while he was in ihram .

Malik said that he disapproved of that.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، عَنْ رَبِيعَةَ بْنِ عَبْدِ اللَّهِ بْنِ الْهُدَيْرِ، أَنَّهُ رَأَى عُمَرَ بْنَ الْخَطَّابِ يُقَرِّدُ بَعِيرًا لَهُ فِي طِينٍ بِالسُّقْيَا وَهُوَ مُحْرِمٌ ‏.‏ قَالَ مَالِكٌ وَأَنَا أَكْرَهُهُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 93
Arabic reference : Book 20, Hadith 795

Yahya related to me from Malik from Alqama ibn Abi Alqama that his mother said, "I heard A'isha, the wife of the Prophet, may Allah bless him and grant him peace, being asked whether some one in ihram could scratch their body or not, and she said, 'Yes, he can scratch it and do so as hard as he pleases. I would scratch even if my hands were tied and I could only use my feet.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَلْقَمَةَ بْنِ أَبِي عَلْقَمَةَ، عَنْ أُمِّهِ، أَنَّهَا قَالَتْ سَمِعْتُ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم تُسْأَلُ عَنِ الْمُحْرِمِ أَيَحُكُّ جَسَدَهُ فَقَالَتْ نَعَمْ فَلْيَحْكُكْهُ وَلْيَشْدُدْ وَلَوْ رُبِطَتْ يَدَاىَ وَلَمْ أَجِدْ إِلاَّ رِجْلَىَّ لَحَكَكْتُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 94
Arabic reference : Book 20, Hadith 796

Yahya related to me from Malik from Ayyub ibn Musa that Abdullah ibn Umar once looked in the mirror for something that was irritating him while he was in ihram.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ مُوسَى، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، نَظَرَ فِي الْمِرْآةِ لِشَكْوٍ كَانَ بِعَيْنَيْهِ وَهُوَ مُحْرِمٌ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 95
Arabic reference : Book 20, Hadith 797

Yahya related to me from Malik from Nafi that Abdullah ibn Umar did not like people who were in ihram removing mites or ticks from their camels.

Malik said, "This is what I like most out of what I have heard about the matter."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَكْرَهُ أَنْ يَنْزِعَ الْمُحْرِمُ، حَلَمَةً أَوْ قُرَادًا عَنْ بَعِيرِهِ ‏.‏ قَالَ مَالِكٌ وَذَلِكَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 96
Arabic reference : Book 20, Hadith 798

Yahya related to me from Malik that Muhammad ibn Abdullah ibn Abi Maryam once asked Said ibn al-Musayyab about (what to do with) a nail of his that had broken while he was in ihram and Said said, "cut it off."

Malik was asked whether some one in ihram who had an ear-complaint could use medicinal oil which was not perfumed for dropping into his ears, and he said, "I do not see any harm in that, and even if he were to put it into his mouth I still would not see any harm in it."
Malik said that there was no harm in some one in ihram lancing an abscess that he had, or a boil, or cutting a vein, if he needed to do so.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي مَرْيَمَ، . أَنَّهُ سَأَلَ سَعِيدَ بْنَ الْمُسَيَّبِ عَنْ ظُفْرٍ، لَهُ انْكَسَرَ وَهُوَ مُحْرِمٌ فَقَالَ سَعِيدٌ اقْطَعْهُ . وَسُئِلَ مَالِكٌ عَنِ الرَّجُلِ يَشْتَكِي أُذُنَهُ أَيَقْطُرُ فِي أُذُنِهِ مِنَ الْبَانِ الَّذِي لَمْ يُطَيَّبْ وَهُوَ مُحْرِمٌ فَقَالَ لاَ أَرَى بِذَلِكَ بَأْسًا وَلَوْ جَعَلَهُ فِي فِيهِ لَمْ أَرَ بِذَلِكَ بَأْسًا . قَالَ مَالِكٌ وَلاَ بَأْسَ أَنْ يَبُطَّ الْمُحْرِمُ خُرَاجَهُ وَيَفْقَأَ دُمَّلَهُ وَيَقْطَعَ عِرْقَهُ إِذَا احْتَاجَ إِلَى ذَلِكَ .

USC-MSA web (English) reference : Book 20, Hadith 97
Arabic reference : Book 20, Hadith 799

Yahya related to me from Malik from Ibn Shihab from Sulayman ibn Yasar that Abdullah ibn Abbas said, "Al-Fadl ibn Abbas was riding behind the Messenger of Allah, may Allah bless him and grant him peace, when a woman from the Khathama tribe came to him to ask him for a fatwa. Al-Fadl began to look at her, and she at him, and the Messenger of Allah, may Allah bless him and grant him peace, turned Fadl's face away to the other side. The woman said, 'Messenger of Allah, Allah's making the hajj obligatory finds my father a very old man, unable to stay firm on his riding-beast. Can I do hajj for him?', and he said, 'Yes.' This was during the farewell hajj."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، قَالَ كَانَ الْفَضْلُ بْنُ عَبَّاسٍ رَدِيفَ رَسُولِ اللَّهِ صلى الله عليه وسلم فَجَاءَتْهُ امْرَأَةٌ مِنْ خَثْعَمَ تَسْتَفْتِيهِ فَجَعَلَ الْفَضْلُ يَنْظُرُ إِلَيْهَا وَتَنْظُرُ إِلَيْهِ فَجَعَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَصْرِفُ وَجْهَ الْفَضْلِ إِلَى الشِّقِّ الآخَرِ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّ فَرِيضَةَ اللَّهِ فِي الْحَجِّ أَدْرَكَتْ أَبِي شَيْخًا كَبِيرًا لاَ يَسْتَطِيعُ أَنْ يَثْبُتَ عَلَى الرَّاحِلَةِ أَفَأَحُجُّ عَنْهُ قَالَ " نَعَمْ " . وَذَلِكَ فِي حَجَّةِ الْوَدَاعِ .

USC-MSA web (English) reference : Book 20, Hadith 98
Arabic reference : Book 20, Hadith 800

Yahya related to me that Malik said, "Someone whose passage to the House is blocked by an enemy is freed from every restriction of ihram, and should sacrifice his animal and shave his head wherever he has been detained, and there is nothing for him to make up afterwards."

Yahya related to me from Malik that he had heard that when the Messenger of Allah, may Allah bless him and grant him peace, and his companions came out of ihram at al-Hudaybiya they sacrificed their sacrificial animals and shaved their heads, and were freed from all the restrictions of ihram without having done tawaf of the House and without their sacrificial animals reaching the Kaba.
There is nothing known about the Messenger of Allah, may Allah bless him and grant him peace, ever telling any of his companions, or anybody else that was with him, to make up for anything they had missed or to go back to doing anything they had not finished doing.

USC-MSA web (English) reference : Book 20, Hadith 99

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم حَلَّ هُوَ وَأَصْحَابُهُ بِالْحُدَيْبِيَةِ فَنَحَرُوا الْهَدْىَ وَحَلَقُوا رُءُوسَهُمْ وَحَلُّوا مِنْ كُلِّ شَىْءٍ قَبْلَ أَنْ يَطُوفُوا بِالْبَيْتِ وَقَبْلَ أَنْ يَصِلَ إِلَيْهِ الْهَدْىُ ثُمَّ لَمْ يُعْلَمْ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَمَرَ أَحَدًا مِنْ أَصْحَابِهِ وَلاَ مِمَّنْ كَانَ مَعَهُ أَنْ يَقْضُوا شَيْئًا وَلاَ يَعُودُوا لِشَىْءٍ .

Arabic reference : Book 20, Hadith 801

Yahya related to me from Malik from Nafi that when Abdullah ibn Umar set out for Makka during the troubles (between al-Hajjaj ibn Yusuf and Zubair ibn al-Awwam) he said, "If I am blocked from going to the House we shall

do what we did when we were with the Messenger of Allah, may Allah bless him and grant him peace," and he went into ihram for umra, because that was what the Messenger of Allah, may Allah bless him and grant him peace, did in the year of al-Hudaybiya.

But afterwards, he reconsidered his position and said, "It is the same either way." After that he turned to his companions and said, "It is the same either way. I call you to witness that I have decided in favour of hajj and umra together."
He then got through to the House (without being stopped) and did one set of tawaf, which he considered to be enough for himself, and sacrificed an animal.
Malik said, "This is what we go by if someone is hindered by an enemy, as the Prophet, may Allah bless him and grant him peace, and his companions were. If some one is hindered by anything other than an enemy, he is only freed from ihram by tawaf of the House. "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ حِينَ خَرَجَ إِلَى مَكَّةَ مُعْتَمِرًا فِي الْفِتْنَةِ إِنْ صُدِدْتُ عَنِ الْبَيْتِ صَنَعْنَا كَمَا صَنَعْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فَأَهَلَّ بِعُمْرَةٍ مِنْ أَجْلِ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَهَلَّ بِعُمْرَةٍ عَامَ الْحُدَيْبِيَةِ ثُمَّ إِنَّ عَبْدَ اللَّهِ نَظَرَ فِي أَمْرِهِ فَقَالَ مَا أَمْرُهُمَا إِلاَّ وَاحِدٌ ثُمَّ الْتَفَتَ إِلَى أَصْحَابِهِ فَقَالَ مَا أَمْرُهُمَا إِلاَّ وَاحِدٌ أُشْهِدُكُمْ أَنِّي قَدْ أَوْجَبْتُ الْحَجَّ مَعَ الْعُمْرَةِ . ثُمَّ نَفَذَ حَتَّى جَاءَ الْبَيْتَ فَطَافَ طَوَافًا وَاحِدًا وَرَأَى ذَلِكَ مُجْزِيًا عَنْهُ وَأَهْدَى .

USC-MSA web (English) reference : Book 20, Hadith 100
Arabic reference : Book 20, Hadith 802

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Umar said, "Someone who is held back from going to the House by illness can only come out of ihram after he has done tawaf of the House and say between Safa and Marwa. If it is absolutely necessary for him to wear any ordinary clothes, or undergo medical treatment, he should do that and pay compensation for it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ الْمُحْصَرُ بِمَرَضٍ لاَ يَحِلُّ حَتَّى يَطُوفَ بِالْبَيْتِ وَيَسْعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ فَإِذَا اضْطُرَّ إِلَى لُبْسِ شَىْءٍ مِنَ الثِّيَابِ الَّتِي لاَ بُدَّ لَهُ مِنْهَا أَوِ الدَّوَاءِ صَنَعَ ذَلِكَ وَافْتَدَى .

USC-MSA web (English) reference : Book 20, Hadith 101
Arabic reference : Book 20, Hadith 803

Yahya related to me from Malik from Yahya ibn Said that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say, "Only the House frees a person in ihram from ihram."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ بَلَغَهُ عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا كَانَتْ تَقُولُ الْمُحْرِمُ لاَ يُحِلُّهُ إِلاَّ الْبَيْتُ .

USC-MSA web (English) reference : Book 20, Hadith 102
Arabic reference : Book 20, Hadith 804

Yahya related to me from Malik from Ayyub ibn Abi Tamima as- Sakhtayani that a very old man from Basra once said to him, "I set out for Makka but on the way there I broke my thigh, so I sent a message on to Makka Abdullah ibn Abbas and Abdullah ibn Umar and the people were there, but no-one allowed me to leave ihram, and I stayed there for seven months until I left ihram by doing an umra.''

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ أَبِي تَمِيمَةَ السَّخْتِيَانِيِّ، عَنْ رَجُلٍ، مِنْ أَهْلِ الْبَصْرَةِ كَانَ قَدِيمًا أَنَّهُ قَالَ خَرَجْتُ إِلَى مَكَّةَ حَتَّى إِذَا كُنْتُ بِبَعْضِ الطَّرِيقِ كُسِرَتْ فَخِذِي فَأَرْسَلْتُ إِلَى مَكَّةَ وَبِهَا عَبْدُ اللَّهِ بْنُ عَبَّاسٍ وَعَبْدُ اللَّهِ بْنُ عُمَرَ وَالنَّاسُ فَلَمْ يُرَخِّصْ لِي أَحَدٌ أَنْ أَحِلَّ فَأَقَمْتُ عَلَى ذَلِكَ الْمَاءِ سَبْعَةَ أَشْهُرٍ حَتَّى أَحْلَلْتُ بِعُمْرَةٍ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 103
Arabic reference : Book 20, Hadith 805

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Umar said, "Some one who is detained by sickness before he has got to the House cannot leave ihram until he has done tawaf of the House and say between Safa and Marwa."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ مَنْ حُبِسَ دُونَ الْبَيْتِ بِمَرَضٍ فَإِنَّهُ لاَ يَحِلُّ حَتَّى يَطُوفَ بِالْبَيْتِ وَبَيْنَ الصَّفَا وَالْمَرْوَةِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 104
Arabic reference : Book 20, Hadith 806

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Said ibn Huzaba al-Makhzumi was thrown off his mount while he was in ihram on the road to Makka. He asked after the person in charge of the relay station where he was injured and he found Abdullah ibn Umar, Abdullah ibn az-Zubayr and Marwan ibn al-Hakam there. He told them what had happened to him and all of them said that he should take whatever medicine he had to take and pay compensation for it. Then, when he got better again, he should do umra and come out of his ihram, after which he had to do hajj another year and to offer whatever sacrificial animal he was able to in the future.

Malik said, "This is what we do here (in Madina) if someone is detained by something other than an enemy. And when Abu Ayyub al- Ansari and Habbar ibn al-Aswad came to the day of the sacrifice and had missed the hajj, Umar ibn al-Khattab told them to come out of ihram by doing umra and then to go home free of ihram and do hajj some time in the future and to sacrifice an animal, or, if they could not find one, to fast three days during the hajj and seven days after they had returned to their families."
Malik said, "Anyone who is detained from doing hajj after he has gone into ihram, whether by illness or otherwise, or by an error in calculating the month or because the new moon is concealed from him is in the same position as some one who is hindered from doing the hajj and must do the same as he does."
Yahya said that Malik was asked about the situation of someone from Makka who went into ihram for hajj and then broke a bone or had severe stomach pain, or of a woman who was in labour, and he said, "Someone to whom this happens is in the same situation as one who is hindered from doing the hajj, and he must do the same as people from outlying regions do when they are hindered from doing the hajj."
Malik said, about someone who arrived in the months of the hajj with the intention of doing umra, and completed his umra and went into ihram in Makka to do hajj, and then broke a bone or something else happened to him which stopped him from being present at Arafa with everybody else, "I think that he should stay where he is until he is better and then go outside the area of the Haram, and then return to Makka and do tawaf of the House and say between Safa and Marwa, and then leave ihram. He must then do hajj again another year and offer a sacrificial animal ."
Malik said, about someone who left ihram in Makka, and then did tawaf of the House and say between Safa and Marwa, and then fell ill and was unable to be present with everybody at Arafa, "If the hajj passes someone by he should, if he can, go out of the area of the Haram and then come back in again to do umra and do tawaf of the House

and say between Safa and Marwa, because he had not intended his initial tawaf to be for an umra, and so for this reason he does it again. He must do the next hajj and offer a sacrificial animal.
If he is not one of the people of Makka, and something happens to him which stops him from doing the hajj, but he does tawaf of the House and say between Safa and Marwa, he should come out of ihram by doing an umra and then do tawaf of the House a second time, and say between Safa and Marwa, because his initial tawaf and say were intended for the hajj. He must do the next hajj and offer a sacrificial animal."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ مَعْبَدَ بْنَ حُزَابَةَ الْمَخْزُومِيَّ، صُرِعَ بِبَعْضِ طَرِيقِ مَكَّةَ وَهُوَ مُحْرِمٌ فَسَأَلَ مَنْ يَلِي عَلَى الْمَاءِ الَّذِي كَانَ عَلَيْهِ فَوَجَدَ عَبْدَ اللَّهِ بْنَ عُمَرَ وَعَبْدَ اللَّهِ بْنَ الزُّبَيْرِ وَمَرْوَانَ بْنَ الْحَكَمِ فَذَكَرَ لَهُمُ الَّذِي عَرَضَ لَهُ فَكُلُّهُمْ أَمَرَهُ أَنْ يَتَدَاوَى بِمَا لاَ بُدَّ لَهُ مِنْهُ وَيَفْتَدِيَ فَإِذَا صَحَّ اعْتَمَرَ فَحَلَّ مِنْ إِحْرَامِهِ ثُمَّ عَلَيْهِ حَجُّ قَابِلٍ وَيُهْدِي مَا اسْتَيْسَرَ مِنَ الْهَدْىِ . قَالَ مَالِكٌ وَعَلَى هَذَا الأَمْرُ عِنْدَنَا فِيمَنْ أُحْصِرَ بِغَيْرِ عَدُوٍّ وَقَدْ أَمَرَ عُمَرُ بْنُ الْخَطَّابِ أَبَا أَيُّوبَ الأَنْصَارِيَّ وَهَبَّارَ بْنَ الأَسْوَدِ حِينَ فَاتَهُمَا الْحَجُّ وَأَتَيَا يَوْمَ النَّحْرِ أَنْ يَحِلاَّ بِعُمْرَةٍ ثُمَّ يَرْجِعَا حَلاَلاً ثُمَّ يَحُجَّانِ عَامًا قَابِلاً وَيُهْدِيَانِ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلاَثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعَ إِلَى أَهْلِهِ . قَالَ مَالِكٌ وَكُلُّ مَنْ حُبِسَ عَنِ الْحَجِّ بَعْدَ مَا يُحْرِمُ إِمَّا بِمَرَضٍ أَوْ بِغَيْرِهِ أَوْ بِخَطَإٍ مِنَ الْعَدَدِ أَوْ خَفِيَ عَلَيْهِ الْهِلاَلُ فَهُوَ مُحْصَرٌ عَلَيْهِ مَا عَلَى الْمُحْصَرِ . قَالَ يَحْيَى سُئِلَ مَالِكٌ عَمَّنْ أَهَلَّ مِنْ أَهْلِ مَكَّةَ بِالْحَجِّ ثُمَّ أَصَابَهُ كَسْرٌ أَوْ بَطْنٌ مُتَحَرِّقٌ أَوِ امْرَأَةٌ تَطْلُقُ . قَالَ مَنْ أَصَابَهُ هَذَا مِنْهُمْ فَهُوَ مُحْصَرٌ يَكُونُ عَلَيْهِ مِثْلُ مَا عَلَى أَهْلِ الآفَاقِ إِذَا هُمْ أُحْصِرُوا . قَالَ مَالِكٌ فِي رَجُلٍ قَدِمَ مُعْتَمِرًا فِي أَشْهُرِ الْحَجِّ حَتَّى إِذَا قَضَى عُمْرَتَهُ أَهَلَّ بِالْحَجِّ مِنْ مَكَّةَ ثُمَّ كُسِرَ أَوْ أَصَابَهُ أَمْرٌ لاَ يَقْدِرُ عَلَى أَنْ يَحْضُرَ مَعَ النَّاسِ الْمَوْقِفَ . قَالَ مَالِكٌ أَرَى أَنْ يُقِيمَ حَتَّى إِذَا بَرَأَ خَرَجَ إِلَى الْحِلِّ ثُمَّ يَرْجِعُ إِلَى مَكَّةَ فَيَطُوفُ بِالْبَيْتِ وَيَسْعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ ثُمَّ يَحِلُّ ثُمَّ عَلَيْهِ حَجُّ قَابِلٍ وَالْهَدْىُ . قَالَ مَالِكٌ فِيمَنْ أَهَلَّ بِالْحَجِّ مِنْ مَكَّةَ ثُمَّ طَافَ بِالْبَيْتِ وَسَعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ ثُمَّ مَرِضَ فَلَمْ يَسْتَطِعْ أَنْ يَحْضُرَ مَعَ النَّاسِ الْمَوْقِفَ . قَالَ مَالِكٌ إِذَا فَاتَهُ الْحَجُّ فَإِنِ اسْتَطَاعَ خَرَجَ إِلَى الْحِلِّ فَدَخَلَ بِعُمْرَةٍ فَطَافَ بِالْبَيْتِ وَسَعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ لأَنَّ الطَّوَافَ الأَوَّلَ لَمْ يَكُنْ نَوَاهُ لِلْعُمْرَةِ فَلِذَلِكَ يَعْمَلُ بِهَذَا وَعَلَيْهِ حَجُّ قَابِلٍ وَالْهَدْىُ . فَإِنْ كَانَ مِنْ غَيْرِ أَهْلِ مَكَّةَ فَأَصَابَهُ مَرَضٌ حَالَ بَيْنَهُ وَبَيْنَ الْحَجِّ فَطَافَ بِالْبَيْتِ وَسَعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ حَلَّ بِعُمْرَةٍ وَطَافَ بِالْبَيْتِ طَوَافًا آخَرَ وَسَعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ لأَنَّ طَوَافَهُ الأَوَّلَ وَسَعْيَهُ إِنَّمَا كَانَ نَوَاهُ لِلْحَجِّ وَعَلَيْهِ حَجُّ قَابِلٍ وَالْهَدْىُ .

USC-MSA web (English) reference : Book 20, Hadith 104
Arabic reference : Book 20, Hadith 807

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Muhammad ibn Abi Bakras-Siddiq told Abdullah ibn Umar from A'isha, that the Prophet, may Allah bless him and grant him peace, said, "Don't you see that when your people built the Kaba they fell short of the foundations of Ibrahim?" A'isha said, "Messenger of Allah, won't you return it to the foundations of Ibrahim?" and the Messenger of Allah, may Allah bless him and grant him peace, said, "If it were not that your people have only recently left kufr, I would have done so."

Salim ibn Abdullah said that Abdullah ibn Umar said, "If A'isha heard this from the Messenger of Allah, may Allah bless him and grant him peace, then I consider that the Messenger of Allah, may Allah bless him and grant him peace, only refrained from greeting the two corners which are adjacent to the Hijr because the House had not been completed on the foundations of Ibrahim." (i.e. the corners he did not touch were not the original corners of the Kaba) .

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ عَبْدَ اللَّهِ بْنَ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ، أَخْبَرَ عَبْدَ اللَّهِ بْنَ عُمَرَ، عَنْ عَائِشَةَ، أَنَّ النَّبِيَّ صلى الله عليه وسلم قَالَ " أَلَمْ تَرَىْ أَنَّ قَوْمَكِ حِينَ بَنَوُا الْكَعْبَةَ اقْتَصَرُوا عَنْ قَوَاعِدِ إِبْرَاهِيمَ " . قَالَتْ فَقُلْتُ يَا رَسُولَ اللَّهِ أَفَلاَ تَرُدُّهَا عَلَى قَوَاعِدِ إِبْرَاهِيمَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لَوْلاَ حِدْثَانُ قَوْمِكِ بِالْكُفْرِ لَفَعَلْتُ " . قَالَ فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ لَئِنْ كَانَتْ عَائِشَةُ سَمِعَتْ هَذَا مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم مَا أُرَى رَسُولَ اللَّهِ صلى الله عليه وسلم تَرَكَ اسْتِلاَمَ الرُّكْنَيْنِ اللَّذَيْنِ يَلِيَانِ الْحِجْرَ إِلاَّ أَنَّ الْبَيْتَ لَمْ يُتَمَّمْ عَلَى قَوَاعِدِ إِبْرَاهِيمَ .

USC-MSA web (English) reference : Book 20, Hadith 105
Arabic reference : Book 20, Hadith 808

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin, said, "I do not mind whether I pray in the Hijr or in the House." (i.e. praying in the Hijr is the same as praying in the House).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ، قَالَتْ مَا أُبَالِي أَصَلَّيْتُ فِي الْحِجْرِ أَمْ فِي الْبَيْتِ .

USC-MSA web (English) reference : Book 20, Hadith 106
Arabic reference : Book 20, Hadith 809

Yahya related to me from Malik that he heard Ibn Shihab say that he had heard one of the people of knowledge say that the Hijr was only enclosed so that people would go beyond it as they were making tawaf, and their tawaf would therefore encompass the original House.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَمِعَ ابْنَ شِهَابٍ، يَقُولُ سَمِعْتُ بَعْضَ، عُلَمَائِنَا يَقُولُ مَا حُجِرَ الْحِجْرُ فَطَافَ النَّاسُ مِنْ وَرَائِهِ إِلاَّ إِرَادَةَ أَنْ يَسْتَوْعِبَ النَّاسُ الطَّوَافَ بِالْبَيْتِ كُلِّهِ .

USC-MSA web (English) reference : Book 20, Hadith 107
Arabic reference : Book 20, Hadith 810

Yahya related to me from Malik from Jafar ibn Muhammad from his father that Jabir ibn Abdullah said, "I saw the Messenger of Allah, may Allah bless him and grant him peace, hastening from the Black Stone until he reached it again, three times."

Malik said, "This is what is still done by the people of knowledge in our city."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ قَالَ رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم رَمَلَ مِنَ الْحَجَرِ الأَسْوَدِ حَتَّى انْتَهَى إِلَيْهِ ثَلاَثَةَ أَطْوَافٍ .

USC-MSA web (English) reference : Book 20, Hadith 108
Arabic reference : Book 20, Hadith 811

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to hasten from the Black Stone round to the Black Stone three times and then would walk four circuits normally.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَرْمُلُ مِنَ الْحَجَرِ الأَسْوَدِ إِلَى الْحَجَرِ الأَسْوَدِ ثَلاَثَةَ أَطْوَافٍ وَيَمْشِي أَرْبَعَةَ أَطْوَافٍ .

USC-MSA web (English) reference : Book 20, Hadith 109
Arabic reference : Book 20, Hadith 812

Yahya related to me from Malik from Hisham ibn Urwa that when his father did tawaf of the House he would hasten in the first three circuits and say in a low voice, "O Allah, there is no god but You, and You bring to life after You have made to die."

Allahumma la ilaha illa anta, wa anta tuhyi badama amatta.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ أَبَاهُ، كَانَ إِذَا طَافَ بِالْبَيْتِ يَسْعَى الأَشْوَاطَ الثَّلاَثَةَ يَقُولُ اللَّهُمَّ لاَ إِلَهَ إِلاَّ أَنْتَا وَأَنْتَ تُحْيِي بَعْدَ مَا أَمَتَّا يَخْفِضُ صَوْتَهُ بِذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 110
Arabic reference : Book 20, Hadith 813

Yahya related to me from Malik from Hisham ibn Urwa from his father that he saw Abdullah ibn az-Zubayr go into ihram for umra at at-Tanim.

He said, "Then I saw him hasten around the House for three circuits."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ رَأَى عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ أَحْرَمَ بِعُمْرَةٍ مِنَ التَّنْعِيمِ - قَالَ - ثُمَّ رَأَيْتُهُ يَسْعَى حَوْلَ الْبَيْتِ الأَشْوَاطَ الثَّلاَثَةَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 111
Arabic reference : Book 20, Hadith 814

Yahya related to me from Malik from Nafi that Abdullah ibn Umar never used to do tawaf of the House or say between Safa and Marwa if he went into ihram in Makka until he had returned from Mina, nor would he hasten when doing tawaf of the House if he went into ihram in Makka.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا أَحْرَمَ مِنْ مَكَّةَ لَمْ يَطُفْ بِالْبَيْتِ وَلاَ بَيْنَ الصَّفَا وَالْمَرْوَةِ حَتَّى يَرْجِعَ مِنْ مِنًى وَكَانَ لاَ يَرْمُلُ إِذَا طَافَ حَوْلَ الْبَيْتِ إِذَا أَحْرَمَ مِنْ مَكَّةَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 112
Arabic reference : Book 20, Hadith 815

Yahya related to me from Malik that he had heard that when the Messenger of Allah, may Allah bless him and grant him peace, had finished his tawaf of the House, prayed two rakas, and wanted to go to Safa and Marwa, he would salute the corner of the Black Stone before he left.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا قَضَى طَوَافَهُ بِالْبَيْتِ وَرَكَعَ الرَّكْعَتَيْنِ وَأَرَادَ أَنْ يَخْرُجَ إِلَى الصَّفَا وَالْمَرْوَةِ اسْتَلَمَ الرُّكْنَ الأَسْوَدَ قَبْلَ أَنْ يَخْرُجَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 113
Arabic reference : Book 20, Hadith 816

Yahya related to me from Malik from Hisham ibn Urwa that his father said that the Messenger of Allah, may Allah bless him and grant him peace, once said to Abd ar-Rahman ibn Awf, "What do you do, Abu Muhammad, when

saluting the corner?" and Abd ar-Rahman said, "Sometimes I salute it, and sometimes I don't." The Messenger of Allah, may Allah bless him and grant him peace, said, "You are right."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم لِعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ " كَيْفَ صَنَعْتَ يَا أَبَا مُحَمَّدٍ فِي اسْتِلاَمِ الرُّكْنِ " . فَقَالَ عَبْدُ الرَّحْمَنِ اسْتَلَمْتُ وَتَرَكْتُ . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَصَبْتَ " .

USC-MSA web (English) reference : Book 20, Hadith 114
Arabic reference : Book 20, Hadith 817

Yahya related to me from Malik from Hisham ibn Urwa that his father used to salute all the corners when he did tawaf of the House and did not omit the Yamani corner unless he was prevented from it.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ أَبَاهُ، كَانَ إِذَا طَافَ بِالْبَيْتِ يَسْتَلِمُ الأَرْكَانَ كُلَّهَا وَكَانَ لاَ يَدَعُ الْيَمَانِيَ إِلاَّ أَنْ يُغْلَبَ عَلَيْهِ .

USC-MSA web (English) reference : Book 20, Hadith 115
Arabic reference : Book 20, Hadith 818

Yahya related to me from Malik from Hisham ibn Urwa from his father that Umar ibn al-Khattab said to the corner of the Black Stone while he was doing tawaf of the House, "You are only a stone, and if I had not seen the Messenger of Allah, may Allah bless him and grant him peace, kiss you, I would not do so." Then he kissed it.

Malik said, "I have heard some of the people of knowledge recommending someone doing tawaf of the House to put his hand to his mouth when he takes it from the Yamani corner."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ وَهُوَ يَطُوفُ بِالْبَيْتِ لِلرُّكْنِ الأَسْوَدِ إِنَّمَا أَنْتَ حَجَرٌ وَلَوْلاَ أَنِّي رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم قَبَّلَكَ مَا قَبَّلْتُكَ ثُمَّ قَبَّلَهُ .

USC-MSA web (English) reference : Book 20, Hadith 116
Arabic reference : Book 20, Hadith 819

Yahya related to me from Malik from Hisham ibn Urwa that his father would never do two sets of seven tawafs together without praying between them. After every seven tawafs he would pray two rakas, sometimes at the maqam of Ibrahim, and sometimes elsewhere.

Malik was asked whether a man doing voluntary tawaf could, to make it easier on himself, join two or more sets of seven circuits and then pray whatever he owed for those sets of seven, and he said, "He should not do that. The sunna is that he does two rakasafter every seven circuits."
Malik said, about someone who began doing tawaf and then forgot how many he had done and did eightor nine circuits, "He should stop when he knows that he has done more than the right number and then pray two rakas,and he should not count the ones that he has done in excess. Neither should he build on the nine that he has done and then pray the rakas for the two sets of seven circuits together, because the sunna is that you pray two rakas after every seven circuits."
Malik said that someone who was in doubt about his tawaf after he had prayed the two rakas of tawaf should go back and complete his tawaf until he was certain of how much he had done. He should then repeat the two rakas, because prayer when doing tawaf was only valid after completing seven circuits.

"If some one breaks his wudu either while he is doing tawaf, or when he has finished tawaf but before he has prayed the two rakas of tawaf, he should do wudu and begin the tawaf and the two rakas afresh. Breaking wudu does not interrupt say between Safa and Marwa, but a person should not begin say unless he is pure by being in wudu."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ لاَ يَجْمَعُ بَيْنَ السُّبْعَيْنِ لاَ يُصَلِّي بَيْنَهُمَا وَلَكِنَّهُ كَانَ يُصَلِّي بَعْدَ كُلِّ سُبْعٍ رَكْعَتَيْنِ فَرُبَّمَا صَلَّى عِنْدَ الْمَقَامِ أَوْ عِنْدَ غَيْرِهِ . وَسُئِلَ مَالِكٌ عَنِ الطَّوَافِ إِنْ كَانَ أَخَفَّ عَلَى الرَّجُلِ أَنْ يَتَطَوَّعَ بِهِ فَيَقْرُنَ بَيْنَ الأُسْبُوعَيْنِ أَوْ أَكْثَرَ ثُمَّ يَرْكَعُ مَا عَلَيْهِ مِنْ رُكُوعِ تِلْكَ السُّبُوعِ قَالَ لاَ يَنْبَغِي ذَلِكَ وَإِنَّمَا السُّنَّةُ أَنْ يُتْبِعَ كُلَّ سُبْعٍ رَكْعَتَيْنِ . قَالَ مَالِكٌ فِي الرَّجُلِ يَدْخُلُ فِي الطَّوَافِ فَيَسْهُو حَتَّى يَطُوفَ ثَمَانِيَةَ أَوْ تِسْعَةَ أَطْوَافٍ قَالَ يَقْطَعُ إِذَا عَلِمَ أَنَّهُ قَدْ زَادَ ثُمَّ يُصَلِّي رَكْعَتَيْنِ وَلاَ يَعْتَدُّ بِالَّذِي كَانَ زَادَ وَلاَ يَنْبَغِي لَهُ أَنْ يَبْنِيَ عَلَى التِّسْعَةِ حَتَّى يُصَلِّيَ سُبْعَيْنِ جَمِيعًا لأَنَّ السُّنَّةَ فِي الطَّوَافِ أَنْ يُتْبِعَ كُلَّ سُبْعٍ رَكْعَتَيْنِ . قَالَ مَالِكٌ وَمَنْ شَكَّ فِي طَوَافِهِ بَعْدَ مَا يَرْكَعُ رَكْعَتَيِ الطَّوَافِ فَلْيَعُدْ فَلْيُتَمِّمْ طَوَافَهُ عَلَى الْيَقِينِ ثُمَّ لِيُعِدِ الرَّكْعَتَيْنِ لأَنَّهُ لاَ صَلاَةَ لِطَوَافٍ إِلاَّ بَعْدَ إِكْمَالِ السُّبْعِ . وَمَنْ أَصَابَهُ شَىْءٌ بِنَقْضِ وُضُوئِهِ وَهُوَ يَطُوفُ بِالْبَيْتِ أَوْ يَسْعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ أَوْ بَيْنَ ذَلِكَ فَإِنَّهُ مَنْ أَصَابَهُ ذَلِكَ وَقَدْ طَافَ بَعْضَ الطَّوَافِ أَوْ كُلَّهُ وَلَمْ يَرْكَعْ رَكْعَتَيِ الطَّوَافِ فَإِنَّهُ يَتَوَضَّأُ وَيَسْتَأْنِفُ الطَّوَافَ وَالرَّكْعَتَيْنِ وَأَمَّا السَّعْىُ بَيْنَ الصَّفَا وَالْمَرْوَةِ فَإِنَّهُ لاَ يَقْطَعُ ذَلِكَ عَلَيْهِ مَا أَصَابَهُ مِنِ انْتِقَاضِ وُضُوئِهِ وَلاَ يَدْخُلُ السَّعْىَ إِلاَّ وَهُوَ طَاهِرٌ بِوُضُوءٍ .

USC-MSA web (English) reference : Book 20, Hadith 117
Arabic reference : Book 20, Hadith 820

Yahya related to me from Malik from Ibn Shihab from Humayd ibn Abd ar-Rahman ibn Awf that Abd ar-Rahman ibn Abd al-Qari mentioned to him that he once did tawaf of the House with Umar ibn al-Khattab after subh and when Umar had finished his tawaf he looked and saw that the sun had not yet risen, so he rode on until he made his camel kneel at Dhu Tuwa, and he prayed two rakas.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَبْدٍ الْقَارِيَّ، أَخْبَرَهُ أَنَّهُ، طَافَ بِالْبَيْتِ مَعَ عُمَرَ بْنِ الْخَطَّابِ بَعْدَ صَلاَةِ الصُّبْحِ فَلَمَّا قَضَى عُمَرُ طَوَافَهُ نَظَرَ فَلَمْ يَرَ الشَّمْسَ طَلَعَتْ فَرَكِبَ حَتَّى أَنَاخَ بِذِي طُوًى فَصَلَّى رَكْعَتَيْنِ .

USC-MSA web (English) reference : Book 20, Hadith 118
Arabic reference : Book 20, Hadith 821

Yahya related to me from Malik that Abu'z Zubayr al-Makki said, "I saw Abdullah ibn Abbas doing tawaf after asr. Then he went into his room and I do not know what he did."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، أَنَّهُ قَالَ رَأَيْتُ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ يَطُوفُ بَعْدَ صَلاَةِ الْعَصْرِ ثُمَّ يَدْخُلُ حُجْرَتَهُ فَلاَ أَدْرِي مَا يَصْنَعُ .

USC-MSA web (English) reference : Book 20, Hadith 119
Arabic reference : Book 20, Hadith 822

Yahya related to me from Malik that Abu'z-Zubayr al-Makki said, "I saw the House deserted both after subh and asr, with no-one doing tawaf."

Malik said, "If someone does some of his circuits and then the subh or asr prayer is begun, he should pray with the imam and then complete the rest of his circuits but should not pray at all until the sun has either risen or set "
He added, "There is no harm in delaying the two rakas until after he has prayed maghrib."
Malik said, "There is no harm in someone doing a single tawaf after subh or after asr, not to do more than one group of seven circuits, and then as long as he delays the two rakas until after the sun has risen, as Umar ibn al-Khattab did, or he delays them until after the sun has set if it is after asr. Then when the sun has set he can pray them if he wants, or, if he wants, he can delay them until after he has prayed maghrib. There is no harm in that."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، أَنَّهُ قَالَ لَقَدْ رَأَيْتُ الْبَيْتَ يَخْلُو بَعْدَ صَلاَةِ الصُّبْحِ وَبَعْدَ صَلاَةِ الْعَصْرِ مَا يَطُوفُ بِهِ أَحَدٌ . قَالَ مَالِكٌ وَمَنْ طَافَ بِالْبَيْتِ بَعْضَ أُسْبُوعِهِ ثُمَّ أُقِيمَتْ صَلاَةُ الصُّبْحِ أَوْ صَلاَةُ الْعَصْرِ فَإِنَّهُ يُصَلِّي مَعَ الإِمَامِ ثُمَّ يَبْنِي عَلَى مَا طَافَ حَتَّى يُكْمِلَ سُبْعًا ثُمَّ لاَ يُصَلِّي حَتَّى تَطْلُعَ الشَّمْسُ أَوْ تَغْرُبَ . قَالَ وَإِنْ أَخَّرَهُمَا حَتَّى يُصَلِّيَ الْمَغْرِبَ فَلاَ بَأْسَ بِذَلِكَ . قَالَ مَالِكٌ وَلاَ بَأْسَ أَنْ يَطُوفَ الرَّجُلُ طَوَافًا وَاحِدًا بَعْدَ الصُّبْحِ وَبَعْدَ الْعَصْرِ لاَ يَزِيدُ عَلَى سُبْعٍ وَاحِدٍ وَيُؤَخِّرُ الرَّكْعَتَيْنِ حَتَّى تَطْلُعَ الشَّمْسُ كَمَا صَنَعَ عُمَرُ بْنُ الْخَطَّابِ وَيُؤَخِّرُهُمَا بَعْدَ الْعَصْرِ حَتَّى تَغْرُبَ الشَّمْسُ فَإِذَا غَرَبَتِ الشَّمْسُ صَلاَّهُمَا إِنْ شَاءَ وَإِنْ شَاءَ أَخَّرَهُمَا حَتَّى يُصَلِّيَ الْمَغْرِبَ لاَ بَأْسَ بِذَلِكَ .

USC-MSA web (English) reference : Book 20, Hadith 120
Arabic reference : Book 20, Hadith 823

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab said, "No-one should leave the hajj until he has done tawaf of the House, and tawaf of the House is the final rite."

Malik said, commenting about Umar ibn al-Khattab's saying 'tawaf of the House is the final rite,' "In our opinion, and Allah knows best, that is because Allah, the Blessed and Exalted, says, 'Whoever exalts the rituals of Allah - that is from the taqwa of the hearts' (Sura 22 ayat 32), and He says, 'Then their halal place (of sacrifice) is at the Ancient House,' and the place of all the rituals and where they end is therefore at the Ancient House."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لاَ يَصْدُرَنَّ أَحَدٌ مِنَ الْحَاجِّ حَتَّى يَطُوفَ بِالْبَيْتِ فَإِنَّ آخِرَ النُّسُكِ الطَّوَافُ بِالْبَيْتِ . قَالَ مَالِكٌ فِي قَوْلِ عُمَرَ بْنِ الْخَطَّابِ فَإِنَّ آخِرَ النُّسُكِ الطَّوَافُ بِالْبَيْتِ إِنَّ ذَلِكَ - فِيمَا نُرَى وَاللَّهُ أَعْلَمُ - لِقَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى {وَمَنْ يُعَظِّمْ شَعَائِرَ اللَّهِ فَإِنَّهَا مِنْ تَقْوَى الْقُلُوبِ} وَقَالَ {ثُمَّ مَحِلُّهَا إِلَى الْبَيْتِ الْعَتِيقِ} فَمَحِلُّ الشَّعَائِرِ كُلِّهَا وَانْقِضَاؤُهَا إِلَى الْبَيْتِ الْعَتِيقِ .

USC-MSA web (English) reference : Book 20, Hadith 121
Arabic reference : Book 20, Hadith 824

Yahya related to me from Malik from Yahya ibn Said that Umar ibn al-Khattab refused to let one man who had not taken leave of the House pass adh-Dhahran, (a valley eighteen miles from Makka) until he had taken leave of it.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، . أَنَّ عُمَرَ بْنَ الْخَطَّابِ، رَدَّ رَجُلاً مِنْ مَرِّ الظَّهْرَانِ لَمْ يَكُنْ وَدَّعَ الْبَيْتَ حَتَّى وَدَّعَ .

USC-MSA web (English) reference : Book 20, Hadith 122
Arabic reference : Book 20, Hadith 825

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "Allah has completed the hajj of anyone who does the tawaf al-ifada. It is fitting that tawaf of the House be the last of his contract, as long as nothing prevents him, and if something prevents him, or an obstacle arises, then Allah has completed his hajj."

Malik said, "I do not think that a man who does not know that the last of his contract is tawaf of the House until he has left owes anything, unless he is nearby and can return, do tawaf, and then leave having done the tawaf al-ifada."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ مَنْ أَفَاضَ فَقَدْ قَضَى اللَّهُ حَجَّهُ فَإِنَّهُ إِنْ لَمْ يَكُنْ حَبَسَهُ شَىْءٌ فَهُوَ حَقِيقٌ أَنْ يَكُونَ آخِرُ عَهْدِهِ الطَّوَافَ بِالْبَيْتِ وَإِنْ حَبَسَهُ شَىْءٌ أَوْ عَرَضَ لَهُ فَقَدْ قَضَى اللَّهُ حَجَّهُ . قَالَ مَالِكٌ وَلَوْ أَنَّ رَجُلاً جَهِلَ أَنْ يَكُونَ آخِرُ عَهْدِهِ الطَّوَافَ بِالْبَيْتِ حَتَّى صَدَرَ لَمْ أَرَ عَلَيْهِ شَيْئًا إِلاَّ أَنْ يَكُونَ قَرِيبًا فَيَرْجِعَ فَيَطُوفَ بِالْبَيْتِ ثُمَّ يَنْصَرِفَ إِذَا كَانَ قَدْ أَفَاضَ .

USC-MSA web (English) reference : Book 20, Hadith 123
Arabic reference : Book 20, Hadith 826

Yahya related to me from Malik from Abu'l-Aswad Muhammad ibn Abd ar-Rahman ibn Nawfal from Urwa ibn az-Zubayr from Zaynab bint Abi Salama that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, said, "I once complained to the Messenger of Allah, may Allah bless him and grant him peace, that I was ill and he said, 'Do tawaf riding behind the people.' So I did tawaf riding my camel, while the Messenger of Allah, may Allah bless him and grant him peace, was praying by the side of the House, reciting Surat at-Tur."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الأَسْوَدِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ نَوْفَلٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ شَكَوْتُ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم أَنِّي أَشْتَكِي فَقَالَ " طُوفِي مِنْ وَرَاءِ النَّاسِ وَأَنْتِ رَاكِبَةٌ " . قَالَتْ فَطُفْتُ رَاكِبَةً بَعِيرِي وَرَسُولُ اللَّهِ صلى الله عليه وسلم حِينَئِذٍ يُصَلِّي إِلَى جَانِبِ الْبَيْتِ وَهُوَ يَقْرَأُ بِالَّ {الطُّورِ وَكِتَابٍ مَسْطُورٍ}.

USC-MSA web (English) reference : Book 20, Hadith 124
Arabic reference : Book 20, Hadith 827

Yahya related to me from Malik from Abu'z Zubayr al-Makki that Abu Maiz al-Aslami Abdullah ibn Sufyan told him that once, when he was sitting with Abdullah ibn Umar, a woman came to ask him for an opinion. She said, "I set out intending to do tawaf of the House, but then, when I got to the gate of the Mosque, I started bleeding, so I went back until it had left me. Then I set out again, and then, when I got to the gate of the mosque, I started bleeding, so I went back until it had left me. Then I set off again, and then, when I got to the gate of the mosque, I started bleeding." Abdullah ibn Umar said, "That is only an impulse from Shaytan. Do ghusl, then bind your private parts with a cloth and do tawaf."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، أَنَّ أَبَا مَاعِزٍ الأَسْلَمِيَّ عَبْدَ اللَّهِ بْنَ سُفْيَانَ، أَخْبَرَهُ أَنَّهُ، كَانَ جَالِسًا مَعَ عَبْدِ اللَّهِ بْنِ عُمَرَ فَجَاءَتْهُ امْرَأَةٌ تَسْتَفْتِيهِ فَقَالَتْ إِنِّي أَقْبَلْتُ أُرِيدُ أَنْ أَطُوفَ بِالْبَيْتِ حَتَّى إِذَا كُنْتُ بِبَابِ الْمَسْجِدِ هَرَقْتُ الدِّمَاءَ فَرَجَعْتُ حَتَّى ذَهَبَ ذَلِكَ عَنِّي ثُمَّ أَقْبَلْتُ حَتَّى إِذَا كُنْتُ عِنْدَ بَابِ الْمَسْجِدِ هَرَقْتُ الدِّمَاءَ فَرَجَعْتُ حَتَّى ذَهَبَ ذَلِكَ عَنِّي ثُمَّ أَقْبَلْتُ حَتَّى إِذَا كُنْتُ عِنْدَ بَابِ الْمَسْجِدِ هَرَقْتُ الدِّمَاءَ . فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ إِنَّمَا ذَلِكَ رَكْضَةٌ مِنَ الشَّيْطَانِ فَاغْتَسِلِي ثُمَّ اسْتَثْفِرِي بِثَوْبٍ ثُمَّ طُوفِي .

USC-MSA web (English) reference : Book 20, Hadith 125
Arabic reference : Book 20, Hadith 828

Yahya related to me from Malik that he had heard that if Sad ibn Abi Waqqas entered Makka late, he would go to Arafa before doing tawaf of the House and say between Safa and Marwa, and then do tawaf when he got back.

Malik said, "The leeway is broad, if Allah wills."
Malik was asked whether somebody that was doing obligatory tawaf could stop and talk with another man, and he said, "I do not like him to do that."
Malik said, "Only someone who is pure (by being in wudu) should do tawaf of the House or say between Safa and Marwa."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعْدَ بْنَ أَبِي وَقَّاصٍ، كَانَ إِذَا دَخَلَ مَكَّةَ مُرَاهِقًا خَرَجَ إِلَى عَرَفَةَ قَبْلَ أَنْ يَطُوفَ بِالْبَيْتِ وَبَيْنَ الصَّفَا وَالْمَرْوَةِ ثُمَّ يَطُوفُ بَعْدَ أَنْ يَرْجِعَ . قَالَ مَالِكٌ وَذَلِكَ وَاسِعٌ إِنْ شَاءَ اللَّهُ . وَسُئِلَ مَالِكٌ هَلْ يَقِفُ الرَّجُلُ فِي الطَّوَافِ بِالْبَيْتِ الْوَاجِبِ عَلَيْهِ يَتَحَدَّثُ مَعَ الرَّجُلِ فَقَالَ لاَ أُحِبُّ ذَلِكَ لَهُ . قَالَ مَالِكٌ لاَ يَطُوفُ أَحَدٌ بِالْبَيْتِ وَلاَ بَيْنَ الصَّفَا وَالْمَرْوَةِ إِلاَّ وَهُوَ طَاهِرٌ .

USC-MSA web (English) reference : Book 20, Hadith 126
Arabic reference : Book 20, Hadith 829

Yahya related to me from Malik from Jafar ibn Muhammad ibn AIi from his father that Jabir ibn Abdullah said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say as he left the mosque, intending to go to Safa, 'We begin with that with which Allah began,' and he began with Safa."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدِ بْنِ عَلِيٍّ، عَنْ أَبِيهِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ قَالَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ حِينَ خَرَجَ مِنَ الْمَسْجِدِ وَهُوَ يُرِيدُ الصَّفَا وَهُوَ يَقُولُ " **نَبْدَأُ بِمَا بَدَأَ اللَّهُ بِهِ** " . فَبَدَأَ بِالصَّفَا .

USC-MSA web (English) reference : Book 20, Hadith 127
Arabic reference : Book 20, Hadith 830

Yahya related to me from Malik from Jafar ibn Muhammed ibn AIi from his father from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, used to say, "Allah is greater" three times when he stopped on Safa, and "There is no god but Allah, alone, without any partner. To Him belong the Kingdom and praise, and He has power over everything" three times, and make dua. He would then do the same on Marwa.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدِ بْنِ عَلِيٍّ، عَنْ أَبِيهِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا وَقَفَ عَلَى الصَّفَا يُكَبِّرُ ثَلاَثًا وَيَقُولُ " **لاَ إِلَهَ إِلاَّ اللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَىْءٍ قَدِيرٌ** " . يَصْنَعُ ذَلِكَ ثَلاَثَ مَرَّاتٍ وَيَدْعُو وَيَصْنَعُ عَلَى الْمَرْوَةِ مِثْلَ ذَلِكَ .

USC-MSA web (English) reference : Book 20, Hadith 128
Arabic reference : Book 20, Hadith 831

Yahya related to me from Malik from Nafi that he heard Abdullah ibn Umar making dua on Safa saying, "O Allah, You have said, 'call on Me - I will answer you' and You do not break Your promise. So I am askingYou, in the same way that You have guided me to Islam, not to take it away from me, and that You make me die while I am muslim."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّهُ سَمِعَ عَبْدَ اللَّهِ بْنَ عُمَرَ، وَهُوَ عَلَى الصَّفَا يَدْعُو يَقُولُ اللَّهُمَّ إِنَّكَ قُلْتَ ادْعُونِي أَسْتَجِبْ لَكُمْ وَإِنَّكَ لاَ تُخْلِفُ الْمِيعَادَ وَإِنِّي أَسْأَلُكَ كَمَا هَدَيْتَنِي لِلإِسْلاَمِ أَنْ لاَ تَنْزِعَهُ مِنِّي حَتَّى تَتَوَفَّانِي وَأَنَا مُسْلِمٌ .

USC-MSA web (English) reference : Book 20, Hadith 129
Arabic reference : Book 20, Hadith 832

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "Once when I was young I said to A'isha, umm al-muminin, 'Have you seen the saying of Allah, the Blessed and Exalted, "Safa and Marwa are among the waymarks of Allah, so whoever does hajj or umra to the House, there is no harm in his going between them," so it follows that there should be no harm for some one who does not go between them.'

A'isha said, 'No. If it were as you say, there would be no harm in his not going between them. This ayat was only revealed about the Ansar. They used to make pilgrimage to Manat, and Manat was an idol near Qudayd, and they used to avoid going between Safa and Marwa, and when Islam came they asked the Messenger of Allah, may Allah bless him and grant him peace, about this and Allah, the Blessed and Exalted, revealed, "Safa and Marwa are among the waymarks of Allah, so whoever does hajj or umra to the House, there is no harm in his going between them. " ' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ قُلْتُ لِعَائِشَةَ أُمِّ الْمُؤْمِنِينَ وَأَنَا يَوْمَئِذٍ، حَدِيثُ السِّنِّ أَرَأَيْتِ قَوْلَ اللَّهِ تَبَارَكَ وَتَعَالَى {إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ فَمَنْ حَجَّ الْبَيْتَ أَوِ اعْتَمَرَ فَلاَ جُنَاحَ عَلَيْهِ أَنْ يَطَّوَّفَ بِهِمَا} فَمَا عَلَى الرَّجُلِ شَىْءٌ أَنْ لاَ يَطَّوَّفَ بِهِمَا . فَقَالَتْ عَائِشَةُ كَلاَّ لَوْ كَانَ كَمَا تَقُولُ لَكَانَتْ فَلاَ جُنَاحَ عَلَيْهِ أَنْ لاَ يَطَّوَّفَ بِهِمَا إِنَّمَا أُنْزِلَتْ هَذِهِ الآيَةُ فِي الأَنْصَارِ كَانُوا يُهِلُّونَ لِمَنَاةَ وَكَانَتْ مَنَاةُ حَذْوَ قُدَيْدٍ وَكَانُوا يَتَحَرَّجُونَ أَنْ يَطُوفُوا بَيْنَ الصَّفَا وَالْمَرْوَةِ فَلَمَّا جَاءَ الإِسْلاَمُ سَأَلُوا رَسُولَ اللَّهِ صلى الله عليه وسلم عَنْ ذَلِكَ فَأَنْزَلَ اللَّهُ تَبَارَكَ وَتَعَالَى {إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ فَمَنْ حَجَّ الْبَيْتَ أَوِ اعْتَمَرَ فَلاَ جُنَاحَ عَلَيْهِ أَنْ يَطَّوَّفَ بِهِمَا }

USC-MSA web (English) reference : Book 20, Hadith 130
Arabic reference : Book 20, Hadith 833

Yahya related to me from Malik from Hisham ibn Urwa that Sawda bint Abdullah ibn Umar, who was in the household of Urwa ibn az- Zubayr, set off walking between Safa and Marwa when doing either hajj or an umra. She was a heavy woman and she began when everybody was leaving after the isha prayer, and she still had not completed her circuits when the first call was given for subh, but finished them between the two calls to prayer.

If Urwa saw people doing circuits on riding beasts he would tell them in very strong terms not to do so, and they would pretend to be ill, out of awe of him.
Hisham added, "He used to say to us about them 'These are unsuccessful and have lost.' "
Malik said, "Someone who forgets say between Safa and Marwa in an umra, and does not remember until he is far from Makka, should return and do say. If, in the meantime, he has had intercourse with a woman, he should return and do say between Safa and Marwa so as to complete what remains of that umra, and then after that he has to do another umra and offer a sacrificial animal."
Malik was asked about someone who met another man when doing say between Safa and Marwa and stopped to talk with him, and he said, "I do not like anyone to do that."
Malik said, "If anyone forgets some of his tawaf or is uncertain about it and remembers only when he is doing say between Safa and Marwa, he should stop the say and complete his tawaf of the House apart from that about which he is certain. After that he prays the two rakas of the tawaf, and then begins his say between Safa and Marwa."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ سَوْدَةَ بِنْتَ عَبْدِ اللَّهِ بْنِ عُمَرَ، كَانَتْ عِنْدَ عُرْوَةَ بْنِ الزُّبَيْرِ فَخَرَجَتْ تَطُوفُ بَيْنَ الصَّفَا وَالْمَرْوَةِ فِي حَجٍّ أَوْ عُمْرَةٍ مَاشِيَةً وَكَانَتِ امْرَأَةً ثَقِيلَةً فَجَاءَتْ حِينَ انْصَرَفَ النَّاسُ مِنَ الْعِشَاءِ فَلَمْ تَقْضِ طَوَافَهَا حَتَّى نُودِيَ بِالأُولَى مِنَ الصُّبْحِ فَقَضَتْ طَوَافَهَا فِيمَا بَيْنَهَا وَبَيْنَهُ . وَكَانَ عُرْوَةُ إِذَا رَآهُمْ يَطُوفُونَ عَلَى الدَّوَابِّ يَنْهَاهُمْ أَشَدَّ النَّهْىِ فَيَعْتَلُّونَ بِالْمَرَضِ حَيَاءً مِنْهُ فَيَقُولُ لَنَا فِيمَا بَيْنَنَا وَبَيْنَهُ لَقَدْ خَابَ هَؤُلاَءِ وَخَسِرُوا . قَالَ مَالِكٌ مَنْ نَسِيَ السَّعْىَ بَيْنَ الصَّفَا وَالْمَرْوَةِ فِي عُمْرَةٍ

فَلَمْ يَذْكُرْ حَتَّى يَسْتَبْعِدَ مِنْ مَكَّةَ أَنَّهُ يَرْجِعُ فَيَسْعَى وَإِنْ كَانَ قَدْ أَصَابَ النِّسَاءَ فَلْيَرْجِعْ فَلْيَسْعَ بَيْنَ الصَّفَا وَالْمَرْوَةِ حَتَّى يُتِمَّ مَا بَقِيَ عَلَيْهِ مِنْ تِلْكَ الْعُمْرَةِ ثُمَّ عَلَيْهِ عُمْرَةٌ أُخْرَى وَالْهَدْىُ . وَسُئِلَ مَالِكٌ عَنِ الرَّجُلِ يَلْقَاهُ الرَّجُلُ بَيْنَ الصَّفَا وَالْمَرْوَةِ فَيَقِفُ مَعَهُ يُحَدِّثُهُ فَقَالَ لاَ أُحِبُّ لَهُ ذَلِكَ . قَالَ مَالِكٌ وَمَنْ نَسِيَ مِنْ طَوَافِهِ شَيْئًا أَوْ شَكَّ فِيهِ فَلَمْ يَذْكُرْ إِلاَّ وَهُوَ يَسْعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ فَإِنَّهُ يَقْطَعُ سَعْيَهُ ثُمَّ يُتِمُّ طَوَافَهُ بِالْبَيْتِ عَلَى مَا يَسْتَيْقِنُ وَيَرْكَعُ رَكْعَتَىِ الطَّوَافِ ثُمَّ يَبْتَدِئُ سَعْيَهُ بَيْنَ الصَّفَا وَالْمَرْوَةِ .

USC-MSA web (English) reference : Book 20, Hadith 131
Arabic reference : Book 20, Hadith 834

Yahya related to me from Malik from Jafar ibn Muhammad from his father from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, walked when he came down from Safa and Marwa and then, when he reached the middle of the valley, he broke into a light run until he had left it.

Malik said, about a man who, out of ignorance, did the say between Safa and Marwa before he had done tawaf of the House, "He should go back and do tawaf of the House and then do say between Safa and Marwa. If he does not learn about this until he has left Makka and is far away, he should return to Makka and do tawaf of the House and say between Safa and Marwa. If in the meantime he has had intercourse with a woman he should return, and do tawaf of the House and say between Safa and Marwa so that he completes what he owes of that umra. Then, after that, he has to do another umra and offer a sacrificial animal ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا نَزَلَ مِنَ الصَّفَا وَالْمَرْوَةِ مَشَى حَتَّى إِذَا انْصَبَّتْ قَدَمَاهُ فِي بَطْنِ الْوَادِي سَعَى حَتَّى يَخْرُجَ مِنْهُ .

USC-MSA web (English) reference : Book 20, Hadith 132
Arabic reference : Book 20, Hadith 835

Yahya related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Ubaydullah, from Umayr, the mawla of Abdullah ibn Abbas, from Umm al-Fadl bint al-Harith, that she was present when some people were arguing on the day of Arafa about whether the Messenger of Allah, may Allah bless him and grant him peace, was fasting or not. Some of them said he was fasting, and some of them said he was not. So she sent a bowl of milk to him while his camel was standing still and he drank.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ عُمَيْرٍ، مَوْلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ عَنْ أُمِّ الْفَضْلِ بِنْتِ الْحَارِثِ، أَنَّ نَاسًا، تَمَارَوْا عِنْدَهَا يَوْمَ عَرَفَةَ فِي صِيَامِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ بَعْضُهُمْ هُوَ صَائِمٌ وَقَالَ بَعْضُهُمْ لَيْسَ بِصَائِمٍ فَأَرْسَلْتُ إِلَيْهِ بِقَدَحِ لَبَنٍ وَهُوَ وَاقِفٌ عَلَى بَعِيرِهِ فَشَرِبَ .

USC-MSA web (English) reference : Book 20, Hadith 133
Arabic reference : Book 20, Hadith 836

Yahya related to me from Malik from Yahya ibn Said from al-Qasim ibn Muhammad that A'isha, umm al-muminin, used to fast on the day of Arafa .

Al-Qasim said, "I saw her, when the imam began moving away (after sunset) on the afternoon of Arafa, stay where she was until the ground between her and the people became clear. Then she asked for something to drink and broke her fast."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ، كَانَتْ تَصُومُ يَوْمَ عَرَفَةَ . قَالَ الْقَاسِمُ وَلَقَدْ رَأَيْتُهَا عَشِيَّةَ عَرَفَةَ يَدْفَعُ الإِمَامُ ثُمَّ تَقِفُ حَتَّى يَبْيَضَّ مَا بَيْنَهَا وَبَيْنَ النَّاسِ مِنَ الأَرْضِ ثُمَّ تَدْعُو بِشَرَابٍ فَتُفْطِرُ .

USC-MSA web (English) reference : Book 20, Hadith 134
Arabic reference : Book 20, Hadith 837

Yahya related to me from Malik from Abu'n-Nadr, the mawla of Umar ibn Ubaydullah, from Sulayman ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, forbade fasting on the days of Mina.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، . أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ صِيَامِ أَيَّامِ مِنًى .

USC-MSA web (English) reference : Book 20, Hadith 135
Arabic reference : Book 20, Hadith 838

Yahya related to me from Malik from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, sent Abdullah ibn Hudhayfa out on the days of Mina to circulate among the people to tell them those days were for eating and drinking and remembrance of Allah.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم بَعَثَ عَبْدَ اللَّهِ بْنَ حُذَافَةَ أَيَّامَ مِنًى يَطُوفُ يَقُولُ إِنَّمَا هِيَ أَيَّامُ أَكْلٍ وَشُرْبٍ وَذِكْرِ اللَّهِ .

USC-MSA web (English) reference : Book 20, Hadith 136
Arabic reference : Book 20, Hadith 839

Yahya related to me from Malik from Muhammad ibn Yahya ibn Habban from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, forbade fasting on two days - the day of the Id al-Fitr and the day of the Id al-Adha.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ صِيَامِ يَوْمَيْنِ يَوْمِ الْفِطْرِ وَيَوْمِ الأَضْحَى .

USC-MSA web (English) reference : Book 20, Hadith 137
Arabic reference : Book 20, Hadith 840

Yahya related to me from Malik from Yazid ibn Abdullah ibn al- Hadi from Abu Murra, the mawla of Umm Hani, the sister of Aqil ibn Abi Talib, that Abdullah ibn Amr ibn al-As told him that he had visited his father Amr ibn al-As and found him eating. His father had invited him to eat, and when he replied that he was fasting, his father said, "These are the days on which the Messenger of Allah, may Allah bless him and grant him peace, forbade us to fast, and told us to break the fast on them."

Malik said, "These days are the days of tashriq."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِي، عَنْ أَبِي مُرَّةَ، مَوْلَى أُمِّ هَانِئٍ أُخْتِ عَقِيلِ بْنِ أَبِي طَالِبٍ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ، أَنَّهُ أَخْبَرَهُ أَنَّهُ، دَخَلَ عَلَى أَبِيهِ عَمْرِو بْنِ الْعَاصِ فَوَجَدَهُ يَأْكُلُ قَالَ فَدَعَانِي قَالَ فَقُلْتُ لَهُ إِنِّي صَائِمٌ . فَقَالَ هَذِهِ الأَيَّامُ الَّتِي نَهَانَا رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ صِيَامِهِنَّ وَأَمَرَنَا بِفِطْرِهِنَّ .

USC-MSA web (English) reference : Book 20, Hadith 138
Arabic reference : Book 20, Hadith 841

Yahya related to me from Malik from Nafi from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm that the Messenger of Allah, may Allah bless him and grant him peace, sacrificed a camel, which had belonged to Abu Jahl ibn Hisham, in either a hajj or an umra.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَهْدَى جَمَلاً كَانَ لأَبِي جَهْلِ بْنِ هِشَامٍ فِي حَجٍّ أَوْ عُمْرَةٍ .

USC-MSA web (English) reference : Book 20, Hadith 139
Arabic reference : Book 20, Hadith 842

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, saw a man driving forward a camel which he was going to sacrifice, and he told him to ride it. The man said, "Messenger of Allah, it is an animal that I am going to sacrifice," and he replied, "Ride it, woe on you," either the second or the third time.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم رَأَى رَجُلاً يَسُوقُ بَدَنَةً فَقَالَ " ارْكَبْهَا " . فَقَالَ يَا رَسُولَ اللَّهِ إِنَّهَا بَدَنَةٌ . فَقَالَ " ارْكَبْهَا وَيْلَكَ " . فِي الثَّانِيَةِ أَوِ الثَّالِثَةِ .

USC-MSA web (English) reference : Book 20, Hadith 140
Arabic reference : Book 20, Hadith 843

Yahya related to me from Malik from Abdullah ibn Dinar that he used to see Abdullah ibn Umar sacrificing animals two at a time during hajj and one at a time during umra. He said, "I saw him sacrifice an animal during an umra outside the house of Khalid ibn Usayd, where he was staying. I saw him stick his spear in the throat of the animal he was going to sacrifice until the spear came out under its shoulder."'

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّهُ كَانَ يَرَى عَبْدَ اللَّهِ بْنَ عُمَرَ يُهْدِي فِي الْحَجِّ بَدَنَتَيْنِ بَدَنَتَيْنِ وَفِي الْعُمْرَةِ بَدَنَةً بَدَنَةً . قَالَ وَرَأَيْتُهُ فِي الْعُمْرَةِ يَنْحَرُ بَدَنَةً وَهِيَ قَائِمَةٌ فِي دَارِ خَالِدِ بْنِ أَسِيدٍ وَكَانَ فِيهَا مَنْزِلُهُ . قَالَ وَلَقَدْ رَأَيْتُهُ طَعَنَ فِي لَبَّةِ بَدَنَتِهِ حَتَّى خَرَجَتِ الْحَرْبَةُ مِنْ تَحْتِ كَتِفِهَا .

USC-MSA web (English) reference : Book 20, Hadith 141
Arabic reference : Book 20, Hadith 844

Yahya related to me from Malik from Yahya ibn Said that Umar ibn Abd al-Aziz once sacrificed a camel during a hajj or an umra.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، أَهْدَى جَمَلاً فِي حَجٍّ أَوْ عُمْرَةٍ .

USC-MSA web (English) reference : Book 20, Hadith 142
Arabic reference : Book 20, Hadith 845

Yahya related to me from Malik from Abu Jafar al-Qari that Abdullah ibn Ayyash ibn Abi Rabia al-Makhzumi sacrificed two camels, one of them a Bactrian.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي جَعْفَرٍ الْقَارِئِ، أَنَّ عَبْدَ اللَّهِ بْنَ عَيَّاشِ بْنِ أَبِي رَبِيعَةَ الْمَخْزُومِيَّ، أَهْدَى بَدَنَتَيْنِ إِحْدَاهُمَا بُخْتِيَّةٌ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 143
Arabic reference : Book 20, Hadith 846

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "If a she-camel that is being driven as a sacrificial animal gives birth, the offspring should be carried along as well and they are sacrificed together with her, and if there is no place where they can be carried, they should be carried on the mother until they are all sacrificed."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ إِذَا نُتِجَتِ النَّاقَةُ فَلْيُحْمَلْ وَلَدُهَا حَتَّى يُنْحَرَ مَعَهَا فَإِنْ لَمْ يُوجَدْ لَهُ مَحْمَلٌ حُمِلَ عَلَى أُمِّهِ حَتَّى يُنْحَرَ مَعَهَا ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 144
Arabic reference : Book 20, Hadith 847

ahya related to me from Malik from Hisham ibn Urwa that his father said, "If necessary, ride on your sacrificial animal, without burdening it, and if necessary, drink its milk after its young one has drunk its fill, and when you sacrifice it, sacrifice the young one with it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ أَبَاهُ، قَالَ إِذَا اضْطُرِرْتَ إِلَى بَدَنَتِكَ فَارْكَبْهَا رُكُوبًا غَيْرَ فَادِحٍ وَإِذَا اضْطُرِرْتَ إِلَى لَبَنِهَا فَاشْرَبْ بَعْدَ مَا يَرْوَى فَصِيلُهَا فَإِذَا نَحَرْتَهَا فَانْحَرْ فَصِيلَهَا مَعَهَا ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 145
Arabic reference : Book 20, Hadith 848

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that when he brought an animal to be sacrificed from Madina he would garland it and brand it at Dhu'l-Hulayfa, doing the garlanding before the branding, but doing both in the same place, while facing the qibla. He would garland the animal with two sandals and brand it on its left side. It would then be driven with him until he observed the standing together with everybody at Arafa. Then he would drive it on with him when everybody else moved on, and then when he arrived at Mina on the morning of the sacrifice, he would sacrifice the animal, before he shaved his head. He would sacrifice the animals with his own hands ,lining them up standing and facing the qibla. He would then eat some of the meat, and give some of it away.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ إِذَا أَهْدَى هَدْيًا مِنَ الْمَدِينَةِ قَلَّدَهُ وَأَشْعَرَهُ بِذِي الْحُلَيْفَةِ يُقَلِّدُهُ قَبْلَ أَنْ يُشْعِرَهُ وَذَلِكَ فِي مَكَانٍ وَاحِدٍ وَهُوَ مُوَجَّهٌ لِلْقِبْلَةِ يُقَلِّدُهُ بِنَعْلَيْنِ وَيُشْعِرُهُ مِنَ الشِّقِّ الأَيْسَرِ ثُمَّ يُسَاقُ مَعَهُ حَتَّى يُوقَفَ بِهِ مَعَ النَّاسِ بِعَرَفَةَ ثُمَّ يَدْفَعُ بِهِ مَعَهُمْ إِذَا دَفَعُوا فَإِذَا قَدِمَ مِنًى غَدَاةَ النَّحْرِ نَحَرَهُ قَبْلَ أَنْ يَحْلِقَ أَوْ يُقَصِّرَ وَكَانَ هُوَ يَنْحَرُ هَدْيَهُ بِيَدِهِ يَصُفُّهُنَّ قِيَامًا وَيُوَجِّهُهُنَّ إِلَى الْقِبْلَةِ ثُمَّ يَأْكُلُ وَيُطْعِمُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 146
Arabic reference : Book 20, Hadith 849

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, when nicking the hump of his sacrificial animal to brand it, "In the name of Allah, and Allah is greater."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا طَعَنَ فِي سَنَامِ هَدْيِهِ وَهُوَ يُشْعِرُهُ قَالَ بِسْمِ اللَّهِ وَاللَّهُ أَكْبَرُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 147
Arabic reference : Book 20, Hadith 850

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "A sacrificial animal is what has been garlanded, branded, and stood with on Arafa."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ الْهَدْىُ مَا قُلِّدَ وَأُشْعِرَ وَوُقِفَ بِهِ بِعَرَفَةَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 148
Arabic reference : Book 20, Hadith 851

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to drape his sacrificial animals in fine Egyptian linen, saddlecloths and sets of clothing, which he would afterwards send to the Kaba and have the Kaba draped with them.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُجَلِّلُ بُدْنَهُ الْقُبَاطِيَّ وَالأَنْمَاطَ وَالْحُلَلَ ثُمَّ يَبْعَثُ بِهَا إِلَى الْكَعْبَةِ فَيَكْسُوهَا إِيَّاهَا ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 149
Arabic reference : Book 20, Hadith 852

Yahya related to me from Malik that he asked Abdullah ibn Dinar what Abdullah ibn Umar used to do with the drapings of his animals when the Kaba began to be draped with the kiswa, and he said, "He gave them away as sadaqa."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ عَبْدَ اللَّهِ بْنَ دِينَارٍ مَا كَانَ عَبْدُ اللَّهِ بْنُ عُمَرَ يَصْنَعُ بِجِلاَلِ بُدْنِهِ حِينَ كُسِيَتِ الْكَعْبَةُ هَذِهِ الْكِسْوَةَ قَالَ كَانَ يَتَصَدَّقُ بِهَا ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 150
Arabic reference : Book 20, Hadith 853

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, about sacrificial animals, "Six-year-old camels, three- year-old cows and sheep, or older than these."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ فِي الضَّحَايَا وَالْبُدْنِ الثَّنِيُّ فَمَا فَوْقَهُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 151
Arabic reference : Book 20, Hadith 854

Yahya related to me from Malik from Nafi that Abdullah ibn Umar never used to tear the drapes of his sacrificial animals, and he would not drape them until he went from Mina to Arafa.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ لاَ يَشُقُّ جِلاَلَ بُدْنِهِ وَلاَ يُجَلِّلُهَا حَتَّى يَغْدُوَ مِنْ مِنًى إِلَى عَرَفَةَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 152
Arabic reference : Book 20, Hadith 855

Yahya related to me from Malik from Hisham ibn Urwa that his father used to say to his sons, "My sons, let none of you sacrifice any animal which he would be ashamed to sacrifice for a noble woman, for surely Allah is the noblest of noble ones, and the most deserving of those for whom things are chosen."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ لِبَنِيهِ يَا بَنِيَّ لاَ يُهْدِيَنَّ أَحَدُكُمْ مِنَ الْبُدْنِ شَيْئًا يَسْتَحْيِي أَنْ يُهْدِيَهُ لِكَرِيمِهِ فَإِنَّ اللَّهَ أَكْرَمُ الْكُرَمَاءِ وَأَحَقُّ مَنِ اخْتِيرَ لَهُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 153
Arabic reference : Book 20, Hadith 856

Yahya related to me from Malik from Hisham ibn Urwa from his father that the man who was in charge of the sacrificial animal of the Messenger of Allah, may Allah bless him and grant him peace, said, "Messenger of Allah, what should I do with a sacrificial animal that gets injured?" The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Slaughter any sacrificial animal that is injured. Then throw the garlands in its blood, and then give the people a free hand in eating it.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ صَاحِبَ، هَدْىِ رَسُولِ اللَّهِ صلى الله عليه وسلم قَالَ يَا رَسُولَ اللَّهِ كَيْفَ أَصْنَعُ بِمَا عَطِبَ مِنَ الْهَدْىِ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ كُلُّ بَدَنَةٍ عَطِبَتْ مِنَ الْهَدْىِ فَانْحَرْهَا ثُمَّ أَلْقِ قِلاَدَتَهَا فِي دَمِهَا ثُمَّ خَلِّ بَيْنَهَا وَبَيْنَ النَّاسِ يَأْكُلُونَهَا ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 154
Arabic reference : Book 20, Hadith 857

Yahya related to me from Malik from Ibn Shihab that Said ibn al- Musayyab said, "If someone dedicates an animal voluntarily and then it is injured and he kills it and gives everyone a free hand in eating it, he owes nothing. If, however, he eats some of it himself, or tells certain other people to eat it, then he owes compensation."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ مَنْ سَاقَ بَدَنَةً تَطَوُّعًا فَعَطِبَتْ فَنَحَرَهَا ثُمَّ خَلَّى بَيْنَهَا وَبَيْنَ النَّاسِ يَأْكُلُونَهَا فَلَيْسَ عَلَيْهِ شَىْءٌ وَإِنْ أَكَلَ مِنْهَا أَوْ أَمَرَ مَنْ يَأْكُلُ مِنْهَا غَرِمَهَا ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 155
Arabic reference : Book 20, Hadith 858

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili from Abdullah ibn Abbas the same as that.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، مِثْلَ ذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 156
Arabic reference : Book 20, Hadith 859

Yahya related to me from Malik that Ibn Shihab said, "If someone dedicates an animal as compensation, or for a vow, or as the sacrifice for tamattu, and misfortune befalls it on the road, he must provide a substitute."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ مَنْ أَهْدَى بَدَنَةً جَزَاءً أَوْ نَذْرًا أَوْ هَدْىَ تَمَتُّعٍ فَأُصِيبَتْ فِي الطَّرِيقِ فَعَلَيْهِ الْبَدَلُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 157
Arabic reference : Book 20, Hadith 860

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "If someone dedicates an animal and then it goes astray or dies, he should provide a substitute, if it was for a vow. If, however, it was voluntary, then he can either provide a substitute for it or not, as he wishes."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ مَنْ أَهْدَى بَدَنَةً ثُمَّ ضَلَّتْ أَوْ مَاتَتْ فَإِنَّهَا إِنْ كَانَتْ نَذْرًا أَبْدَلَهَا وَإِنْ كَانَتْ تَطَوُّعًا فَإِنْ شَاءَ أَبْدَلَهَا وَإِنْ شَاءَ تَرَكَهَا . وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ سَمِعَ أَهْلَ الْعِلْمِ يَقُولُونَ لاَ يَأْكُلُ صَاحِبُ الْهَدْيِ مِنَ الْجَزَاءِ وَالنُّسُكِ .

USC-MSA web (English) reference : Book 20, Hadith 158
Arabic reference : Book 20, Hadith 861

Yahya related to me from Malik that he had heard the people of knowledge say, "Someone who dedicates a sacrificial animal for compensation or as part of the hajj should not eat from it."

USC-MSA web (English) reference : Book 20, Hadith 159

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab and AIi ibn Abi Talib and Abu Hurayra were asked about a man who had intercourse with his wife while he was in ihram on hajj. They said, "The two of them should carry on and complete their hajj. Then they must do hajj again in another year, and sacrifice an animal."

Malik added that AIi ibn Abi Talib said, "When they then go into ihram for hajj in a future year they should keep apart until they have completed their hajj."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَعَلِيَّ بْنَ أَبِي طَالِبٍ، وَأَبَا، هُرَيْرَةَ سُئِلُوا عَنْ رَجُلٍ، أَصَابَ أَهْلَهُ وَهُوَ مُحْرِمٌ بِالْحَجِّ فَقَالُوا يَنْفُذَانِ يَمْضِيَانِ لِوَجْهِهِمَا حَتَّى يَقْضِيَا حَجَّهُمَا ثُمَّ عَلَيْهِمَا حَجُّ قَابِلٍ وَالْهَدْىُ . قَالَ وَقَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ وَإِذَا أَهَلاَّ بِالْحَجِّ مِنْ عَامٍ قَابِلٍ تَفَرَّقَا حَتَّى يَقْضِيَا حَجَّهُمَا .

USC-MSA web (English) reference : Book 20, Hadith 160
Arabic reference : Book 20, Hadith 862

Yahya related to me from Malik from Yahya ibn Said that he heard Said ibn al-Musayyab asking a group of people, "What do you think about someone who has intercourse with his wife while he is in ihram?" and none of them answered him. Said said, "There is a man who has had intercourse with his wife while in ihram who has sent a message to Madina asking about it." Some of them said, "They should be kept apart until a future year," and Said ibn al-Musayyab said, "They should carry on and complete the hajj which they have spoiled, and then return home when they have finished. If another hajj comes upon them, they must do hajj and sacrifice an animal. They should go into ihram at the same place where they went into ihram for the hajj that they spoiled, and they should keep apart until they have finished their hajj."

Malik said, "They should both sacrifice an animal."
Malik said, about a man who had intercourse with his wife during hajj after he had come down from Arafa but before he had stoned the Jamra, "He must sacrifice an animal and do hajj again in another year. If, however, he had intercourse with his wife after he stoned the Jamra, he only has to do an umra and sacrifice an animal and he does not have to do another hajj."

Malik said, "What spoils a hajj or an umra and makes sacrificing an animal and repeating the hajj necessary is the meeting of the two circumcised parts, even if there is no emission. It is also made necessary by an emission if it is the result of bodily contact. I do not think that a man who remembers something and has an emission owes anything, and if a man were to kiss his wife and no emission were to occur from that, he would only have to sacrifice an animal. A woman in ihram who has intercourse with her husband several times during hajj or umra out of obedience to him only has to do another hajj and sacrifice an animal. That is if her husband has intercourse with her while she is doing hajj. If he has intercourse with her while she is doing umra, she must repeat the umra she has spoiled and sacrifice an animal."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ مَا تَرَوْنَ فِي رَجُلٍ وَقَعَ بِامْرَأَتِهِ وَهُوَ مُحْرِمٌ فَلَمْ يَقُلْ لَهُ الْقَوْمُ شَيْئًا فَقَالَ سَعِيدٌ إِنَّ رَجُلاً وَقَعَ بِامْرَأَتِهِ وَهُوَ مُحْرِمٌ فَبَعَثَ إِلَى الْمَدِينَةِ يَسْأَلُ عَنْ ذَلِكَ فَقَالَ بَعْضُ النَّاسِ يُفَرَّقُ بَيْنَهُمَا إِلَى عَامٍ قَابِلٍ . فَقَالَ سَعِيدُ بْنُ الْمُسَيَّبِ لِيَنْفُذَا لِوَجْهِهِمَا فَلْيُتِمَّا حَجَّهُمَا الَّذِي أَفْسَدَاهُ فَإِذَا فَرَغَا رَجَعَا فَإِنْ أَدْرَكَهُمَا حَجٌّ قَابِلٌ فَعَلَيْهِمَا الْحَجُّ وَالْهَدْىُ وَيُهِلاَّنِ مِنْ حَيْثُ أَهَلاَّ بِحَجِّهِمَا الَّذِي أَفْسَدَاهُ . وَيَتَفَرَّقَانِ حَتَّى يَقْضِيَا حَجَّهُمَا . قَالَ مَالِكٌ يُهْدِيَانِ جَمِيعًا بَدَنَةً بَدَنَةً . قَالَ مَالِكٌ فِي رَجُلٍ وَقَعَ بِامْرَأَتِهِ فِي الْحَجِّ مَا بَيْنَهُ وَبَيْنَ أَنْ يَدْفَعَ مِنْ عَرَفَةَ وَيَرْمِيَ الْجَمْرَةَ إِنَّهُ يَجِبُ عَلَيْهِ الْهَدْىُ وَحَجُّ قَابِلٍ قَالَ فَإِنْ كَانَتْ إِصَابَتُهُ أَهْلَهُ بَعْدَ رَمْىِ الْجَمْرَةِ فَإِنَّمَا عَلَيْهِ أَنْ يَعْتَمِرَ وَيُهْدِيَ وَلَيْسَ عَلَيْهِ حَجُّ قَابِلٍ . قَالَ مَالِكٌ وَالَّذِي يُفْسِدُ الْحَجَّ أَوِ الْعُمْرَةَ حَتَّى يَجِبَ عَلَيْهِ فِي ذَلِكَ الْهَدْىُ فِي الْحَجِّ أَوِ الْعُمْرَةِ الْتِقَاءُ الْخِتَانَيْنِ وَإِنْ لَمْ يَكُنْ مَاءٌ دَافِقٌ . قَالَ وَيُوجِبُ ذَلِكَ أَيْضًا الْمَاءُ الدَّافِقُ إِذَا كَانَ مِنْ مُبَاشَرَةٍ فَأَمَّا رَجُلٌ ذَكَرَ شَيْئًا حَتَّى خَرَجَ مِنْهُ مَاءٌ دَافِقٌ فَلاَ أَرَى عَلَيْهِ شَيْئًا وَلَوْ أَنَّ رَجُلاً قَبَّلَ امْرَأَتَهُ وَلَمْ يَكُنْ مِنْ ذَلِكَ مَاءٌ دَافِقٌ لَمْ يَكُنْ عَلَيْهِ فِي الْقُبْلَةِ إِلاَّ الْهَدْىُ وَلَيْسَ عَلَى الْمَرْأَةِ الَّتِي يُصِيبُهَا زَوْجُهَا وَهِيَ مُحْرِمَةٌ مِرَارًا فِي الْحَجِّ أَوِ الْعُمْرَةِ وَهِيَ لَهُ فِي ذَلِكَ مُطَاوِعَةٌ إِلاَّ الْهَدْىُ وَحَجُّ قَابِلٍ إِنْ أَصَابَهَا فِي الْحَجِّ وَإِنْ كَانَ أَصَابَهَا فِي الْعُمْرَةِ فَإِنَّمَا عَلَيْهَا قَضَاءُ الْعُمْرَةِ الَّتِي أَفْسَدَتْ وَالْهَدْىُ .

USC-MSA web (English) reference : Book 20, Hadith 161
Arabic reference : Book 20, Hadith 863

Yahya related to me from Malik that Yahya ibn Said said that Sulayman ibn Yasar told him that Abu Ayyub al-Ansari once set off to do hajj and then, when he reached an-Naziya, on the road to Makka, his riding beasts strayed. He reached Umar ibn al-Khattab on the day of sacrifice and told him what had happened and Umar said, "Do what someone doing umra would do, and then you can leave ihram, and then when the hajj next comes upon you, do it and sacrifice whatever animal is easy for you ."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ أَخْبَرَنِي سُلَيْمَانُ بْنُ يَسَارٍ، أَنَّ أَبَا أَيُّوبَ الأَنْصَارِيَّ، خَرَجَ حَاجًّا حَتَّى إِذَا كَانَ بِالنَّازِيَةِ مِنْ طَرِيقِ مَكَّةَ أَضَلَّ رَوَاحِلَهُ وَإِنَّهُ قَدِمَ عَلَى عُمَرَ بْنِ الْخَطَّابِ يَوْمَ النَّحْرِ فَذَكَرَ ذَلِكَ لَهُ فَقَالَ عُمَرُ اصْنَعْ كَمَا يَصْنَعُ الْمُعْتَمِرُ ثُمَّ قَدْ حَلَلْتَ فَإِذَا أَدْرَكَكَ الْحَجُّ قَابِلاً فَاحْجُجْ وَأَهْدِ مَا اسْتَيْسَرَ مِنَ الْهَدْيِ .

USC-MSA web (English) reference : Book 20, Hadith 162
Arabic reference : Book 20, Hadith 864

Malik related to me from Nafi from Sulayman ibn Yasar that Habbar ibn al-Aswad arrived on the day of sacrifice while Umar ibn al-Khattab was sacrificing his animal and said, "Amir al-muminin, we made a mistake in our reckoning and we thought that today was the day of Arafa." Umar said, "Go to Makka, you and whoever else is with

you, and do tawaf and sacrifice your animal if you have one with you. Then shave or cut your hair and return home. Then, in another year, do hajj and sacrifice an animal, and if you cannot find one, fast three days on hajj and seven when you return home."

Malik said, "Someone who intends to do hajj and umra together and then misses the hajj must do hajj again in another year, doing hajj with umra, and offer two sacrificial animals, one for doing the hajj with umra, and one for the hajj that he has missed."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ هَبَّارَ بْنَ الأَسْوَدِ، جَاءَ يَوْمَ النَّحْرِ وَعُمَرُ بْنُ الْخَطَّابِ يَنْحَرُ هَدْيَهُ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ أَخْطَأْنَا الْعِدَّةَ كُنَّا نُرَى أَنَّ هَذَا الْيَوْمَ يَوْمُ عَرَفَةَ . فَقَالَ عُمَرُ اذْهَبْ إِلَى مَكَّةَ فَطُفْ أَنْتَ وَمَنْ مَعَكَ وَانْحَرُوا هَدْيًا إِنْ كَانَ مَعَكُمْ ثُمَّ احْلِقُوا أَوْ قَصِّرُوا وَارْجِعُوا فَإِذَا كَانَ عَامٌ قَابِلٌ فَحُجُّوا وَأَهْدُوا فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلاَثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعَ . قَالَ مَالِكٌ وَمَنْ قَرَنَ الْحَجَّ وَالْعُمْرَةَ ثُمَّ فَاتَهُ الْحَجُّ فَعَلَيْهِ أَنْ يَحُجَّ قَابِلاً وَيَقْرِنُ بَيْنَ الْحَجِّ وَالْعُمْرَةِ وَيُهْدِي هَدْيَيْنِ هَدْيًا لِقِرَانِهِ الْحَجَّ مَعَ الْعُمْرَةِ وَهَدْيًا لِمَا فَاتَهُ مِنَ الْحَجِّ .

USC-MSA web (English) reference : Book 20, Hadith 163
Arabic reference : Book 20, Hadith 865

Yahya related to me from Malik from Abu'z-Zubayr al-Makki from Ata ibn Abi Rabah that Abdullah ibn Abbas was asked about a man who had had intercourse with his wife while at Mina before he had done the tawaf al-ifada, and he told him to sacrifice an animal.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ، وَقَعَ بِأَهْلِهِ وَهُوَ بِمِنًى قَبْلَ أَنْ يُفِيضَ فَأَمَرَهُ أَنْ يَنْحَرَ بَدَنَةً .

USC-MSA web (English) reference : Book 20, Hadith 164
Arabic reference : Book 20, Hadith 866

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili that lkrama, the mawla of Ibn Abbas, said, (and Thawr believed it to be from Abdullah ibn Abbas), "Someone who has intercourse with his wife before he has done the tawaf al-ifada should do an umra and sacrifice an animal."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، عَنْ عِكْرِمَةَ، مَوْلَى ابْنِ عَبَّاسٍ قَالَ لاَ أَظُنُّهُ إِلاَّ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ قَالَ الَّذِي يُصِيبُ أَهْلَهُ قَبْلَ أَنْ يُفِيضَ يَعْتَمِرُ وَيُهْدِي .

USC-MSA web (English) reference : Book 20, Hadith 165
Arabic reference : Book 20, Hadith 867

Yahya related to me from Malik that he had heard Rabia ibn Abi Abd ar-Rahman saying the same about that as what Ikrama related from Ibn Abbas.

Malik said, "That is what I like most out of what I have heard about the matter."
Malik was asked about a man who forgot the tawaf al-ifada until he had left Makka and returned to his community and he said, "I think that he should go back and do the tawaf al-ifada, as long as he has not had sexual relations with women. If, however, he has had sexual relations with women, then he should not only return and do the tawaf al-ifada, but he should also do an umra and sacrifice an animal. He should not buy theanimal in Makka and sacrifice it

there, but if he has not brought one with him from wherever it was he set out to do umra, he should buy one in Makka and then take it outside the limits of the Haram and drive it from there to Makka and sacrifice it there."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَمِعَ رَبِيعَةَ بْنَ أَبِي عَبْدِ الرَّحْمَنِ، يَقُولُ فِي ذَلِكَ مِثْلَ قَوْلِ عِكْرِمَةَ عَنِ ابْنِ عَبَّاسٍ . قَالَ مَالِكٌ وَذَلِكَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ نَسِيَ الإِفَاضَةَ حَتَّى خَرَجَ مِنْ مَكَّةَ وَرَجَعَ إِلَى بِلاَدِهِ فَقَالَ أَرَى إِنْ لَمْ يَكُنْ أَصَابَ النِّسَاءَ فَلْيَرْجِعْ فَلْيُفِضْ وَإِنْ كَانَ أَصَابَ النِّسَاءَ فَلْيَرْجِعْ فَلْيُفِضْ ثُمَّ لِيَعْتَمِرْ وَلْيُهْدِ وَلاَ يَنْبَغِي لَهُ أَنْ يَشْتَرِيَ هَدْيَهُ مِنْ مَكَّةَ وَيَنْحَرَهُ بِهَا وَلَكِنْ إِنْ لَمْ يَكُنْ سَاقَهُ مَعَهُ مِنْ حَيْثُ اعْتَمَرَ فَلْيَشْتَرِهِ بِمَكَّةَ ثُمَّ لِيُخْرِجْهُ إِلَى الْحِلِّ فَلْيَسُقْهُ مِنْهُ إِلَى مَكَّةَ ثُمَّ يَنْحَرُهُ بِهَا .

USC-MSA web (English) reference : Book 20, Hadith 166
Arabic reference : Book 20, Hadith 868

Yahya related to me from Malik from Jafar ibn Muhammad from his father that Ali ibn Abi Talib used to say, "The least difficult thing acceptable as a sacrificial animal is a sheep."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، كَانَ يَقُولُ {مَا اسْتَيْسَرَ مِنَ الْهَدْيِ} شَاةٌ .

USC-MSA web (English) reference : Book 20, Hadith 167
Arabic reference : Book 20, Hadith 869

Yahya related to me from Malik that he had heard that Abdullah ibn Abbas used to say, "The least difficult thing acceptable as a sacrificial animal is a sheep."

Malik said, "That is what I like most out of what I have heard about the matter, because Allah, the Blessed and Exalted, says in His Book, 'O you who trust, do not kill game while you are in ihram. Whoever of you kills it intentionally, there shall be repayment the like of what he has slain, from livestock, as shall be judged by two men of justice among you, a sacrificial animal which will reach the Kaba, or food for poor people, or the equivalent of that in fasting,' (Sura 5 ayat 95) and a sheep is one of the animals which is judged to be acceptable as a sacrifice. Allah has called it a sacrificial animal, and there is no dispute among us about the matter. How, indeed, could anyone be in doubt about the matter? A sheep is the kaffara for anything which does not reach the extent of something for which a camel or a cow would be the kaffara, and the kaffara for something which does not reach the extent of something for which a sheep would be the kaffara is fasting, or feeding poor people."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، كَانَ يَقُولُ {مَا اسْتَيْسَرَ مِنَ الْهَدْيِ} شَاةٌ . قَالَ مَالِكٌ وَذَلِكَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ لأَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ فِي كِتَابِهِ {يَا أَيُّهَا الَّذِينَ آمَنُوا لاَ تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرُمٌ وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمِّدًا فَجَزَاءٌ مِثْلُ مَا قَتَلَ مِنَ النَّعَمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِنْكُمْ هَدْيًا بَالِغَ الْكَعْبَةِ أَوْ كَفَّارَةٌ طَعَامُ مَسَاكِينَ أَوْ عَدْلُ ذَلِكَ صِيَامًا} فَمِمَّا يُحْكَمُ بِهِ فِي الْهَدْيِ شَاةٌ وَقَدْ سَمَّاهَا اللَّهُ هَدْيًا وَذَلِكَ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا وَكَيْفَ يَشُكُّ أَحَدٌ فِي ذَلِكَ وَكُلُّ شَىْءٍ لاَ يَبْلُغُ أَنْ يُحْكَمَ فِيهِ بِبَعِيرٍ أَوْ بَقَرَةٍ فَالْحُكْمُ فِيهِ شَاةٌ وَمَا لاَ يَبْلُغُ أَنْ يُحْكَمَ فِيهِ بِشَاةٍ فَهُوَ كَفَّارَةٌ مِنْ صِيَامٍ أَوْ إِطْعَامِ مَسَاكِينَ .

USC-MSA web (English) reference : Book 20, Hadith 168
Arabic reference : Book 20, Hadith 870

Yahya related to me from Malik from Nafi that Abdullah ibn Urnar used to say, "The least thing that is acceptable as a sacrificial animal is a camel or a cow."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ {مَا اسْتَيْسَرَ مِنَ الْهَدْى} بَدَنَةٌ أَوْ بَقَرَةٌ .

USC-MSA web (English) reference : Book 20, Hadith 169
Arabic reference : Book 20, Hadith 871

Yahya related to me from Malik fromAbdullah ibn Abi Bakr that a mawla of Amir bint Abd ar-Rahman called Ruqayya told him that she once set out with Amra bint Abd ar-Rahman to go to Makka. She said, "Amra entered Makka on the eighth of Dhu'l-Hijja, and I was with her. She did tawaf of the House, and say between Safa and Marwa, and then entered the back of the mosque. She asked me, 'Do you have a pair of scissors with you?' and I said, 'No.' She said, 'Then try and find some for me.' I went and looked for some and brought them back and she cut some hair from the tresses of her head.Then, on the day of sacrifice, she slaughtered a sheep."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، أَنَّ مَوْلاَةً، لِعَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ يُقَالُ لَهَا رُقَيَّةُ أَخْبَرَتْهُ أَنَّهَا، خَرَجَتْ مَعَ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ إِلَى مَكَّةَ - قَالَتْ - فَدَخَلَتْ عَمْرَةُ مَكَّةَ يَوْمَ التَّرْوِيَةِ وَأَنَا مَعَهَا فَطَافَتْ بِالْبَيْتِ وَبَيْنَ الصَّفَا وَالْمَرْوَةِ ثُمَّ دَخَلَتْ صُفَّةَ الْمَسْجِدِ فَقَالَتْ أَمَعَكِ مِقَصَّانِ فَقُلْتُ لاَ . فَقَالَتْ فَالْتَمِسِيهِ لِي . فَالْتَمَسْتُهُ حَتَّى جِئْتُ بِهِ فَأَخَذَتْ مِنْ قُرُونِ رَأْسِهَا فَلَمَّا كَانَ يَوْمُ النَّحْرِ ذَبَحَتْ شَاةً .

USC-MSA web (English) reference : Book 20, Hadith 170
Arabic reference : Book 20, Hadith 872

Yahya related to me from Malik from Sadaqa ibn Yasar al-Makki that a man from the people of Yemen, who had his hair braided, came to Abdullah ibn Umar and said, "Abu Abd arRahman, I have come to do just umra. "Abdullah ibn Umar said to him, "If I had been with you or you had asked me I would have told you to do hajj and umra together." The Yemeni answered, "I am doing what I am doing," and Abdullah ibn Umar said to him, "Cut off the locks that are hanging from your head and offer a sacrificial animal." A woman from Iraq said, "What should his sacrificial animal be, Abu Abd ar-Rahman?" and he said, "His sacrificial animal?" and she said to him, "What should his sacrificial animal be?" Abdullah ibn Umar said, "If I could only find a sheep to sacrifice, I would prefer to do that than to fast."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ صَدَقَةَ بْنِ يَسَارٍ الْمَكِّيِّ، أَنَّ رَجُلاً، مِنْ أَهْلِ الْيَمَنِ جَاءَ إِلَى عَبْدِ اللَّهِ بْنِ عُمَرَ وَقَدْ ضَفَرَ رَأْسَهُ فَقَالَ يَا أَبَا عَبْدِ الرَّحْمَنِ إِنِّي قَدِمْتُ بِعُمْرَةٍ مُفْرَدَةٍ . فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ عُمَرَ لَوْ كُنْتُ مَعَكَ أَوْ سَأَلْتَنِي لأَمَرْتُكَ أَنْ تَقْرِنَ . فَقَالَ الْيَمَانِيُّ قَدْ كَانَ ذَلِكَ . فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ خُذْ مَا تَطَايَرَ مِنْ رَأْسِكَ وَأَهْدِ . فَقَالَتِ امْرَأَةٌ مِنْ أَهْلِ الْعِرَاقِ مَا هَدْيُهُ يَا أَبَا عَبْدِ الرَّحْمَنِ فَقَالَ هَدْيُهُ . فَقَالَتْ لَهُ مَا هَدْيُهُ فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ لَوْ لَمْ أَجِدْ إِلاَّ أَنْ أَذْبَحَ شَاةً لَكَانَ أَحَبَّ إِلَىَّ مِنْ أَنْ أَصُومَ .

USC-MSA web (English) reference : Book 20, Hadith 171
Arabic reference : Book 20, Hadith 873

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "A woman in ihram should not comb her hair when she leaves ihram until she has cut some of the tresses of her hair, and if she has an animal for sacrifice with her she should not cut off any of her hair until the animal has been killed."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ الْمَرْأَةُ الْمُحْرِمَةُ إِذَا حَلَّتْ لَمْ تَمْتَشِطْ حَتَّى تَأْخُذَ مِنْ قُرُونِ رَأْسِهَا وَإِنْ كَانَ لَهَا هَدْىٌ لَمْ تَأْخُذْ مِنْ شَعْرِهَا شَيْئًا حَتَّى تَنْحَرَ هَدْيَهَا . وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ سَمِعَ بَعْضَ أَهْلِ الْعِلْمِ يَقُولُ لاَ يَشْتَرِكُ الرَّجُلُ وَامْرَأَتُهُ فِي بَدَنَةٍ وَاحِدَةٍ لِيُهْدِ كُلُّ وَاحِدٍ بَدَنَةً بَدَنَةً . وَسُئِلَ مَالِكٌ عَمَّنْ بُعِثَ مَعَهُ بِهَدْيٍ يَنْحَرُهُ فِي حَجٍّ وَهُوَ مُهِلٌّ بِعُمْرَةٍ هَلْ يَنْحَرُهُ إِذَا حَلَّ أَمْ يُؤَخِّرُهُ حَتَّى يَنْحَرَهُ فِي الْحَجِّ وَيَحِلُّ هُوَ مِنْ عُمْرَتِهِ فَقَالَ بَلْ يُؤَخِّرُهُ حَتَّى يَنْحَرَهُ فِي الْحَجِّ وَيَحِلُّ هُوَ مِنْ عُمْرَتِهِ . قَالَ

مَالِكٌ وَالَّذِي يُحْكَمُ عَلَيْهِ بِالْهَدْيِ فِي قَتْلِ الصَّيْدِ أَوْ يَجِبُ عَلَيْهِ هَدْىٌ فِي غَيْرِ ذَلِكَ فَإِنَّ هَدْيَهُ لاَ يَكُونُ إِلاَّ بِمَكَّةَ كَمَا قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى {هَدْيًا بَالِغَ الْكَعْبَةِ} وَأَمَّا مَا عُدِلَ بِهِ الْهَدْىُ مِنَ الصِّيَامِ أَوِ الصَّدَقَةِ فَإِنَّ ذَلِكَ يَكُونُ بِغَيْرِ مَكَّةَ حَيْثُ أَحَبَّ صَاحِبُهُ أَنْ يَفْعَلَهُ فَعَلَهُ .

USC-MSA web (English) reference : Book 20, Hadith 172
Arabic reference : Book 20, Hadith 874

Yahya related to me from Malik that he had heard one of the people of knowledge say, "A man and wife should not share in one sacrificial animal. Each should sacrifice an animal separately."

Malik was asked about whether someone who had been entrusted with an animal for him to sacrifice on hajj, who went into ihram for umra, should sacrifice it when he came out of ihram or postpone it so that he sacrificed it at the time of the hajj while in the meantime he came out of ihram from his umra. He said, "He should postpone it so that he may sacrifice it at the time of the hajj, and meanwhile come out of ihram from his umra."
Malik said, "If it is judged that some- one must offer an animal for having killed game, or for any other reason, this animal can only be sacrificed at Makka, since Allah, the Blessed and Exalted, says, 'a sacrificial animal which will reach the Kaba.' The fasting or sadaqa that is considered equivalent to offering a sacrifice can be done outside Makka, and the person who is doing it can do it wherever he likes."

USC-MSA web (English) reference : Book 20, Hadith 173

Yahya related to me from Malik from Yahya ibn Said from Yaqub ibn Khalid al-Makhzumi that Abu Asma, the mawla of Abdullah ibn Jafar, told him that he was with Abdullah ibn Jafar when they set out once from Madina. At as-Suqya they passed by Husayn ibn Ali, who was ill at the time. Abdullah ibn Jafar stayed with him and then, when he feared that he was late (for the hajj) he left, and sent for Ali ibn Abi Talib and Asma bint Umays in Madina, and they came to Husayn. Then Husayn pointed to his head, and AIi told someone to shave his head. Then he sacrificed an animal for him at as-Suqya, killing a camel for him.

Yahya ibn Said added, "Husayn had set out with Uthman ibn Affan on that particular journey to Makka. "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ يَعْقُوبَ بْنِ خَالِدٍ الْمَخْزُومِيِّ، عَنْ أَبِي أَسْمَاءَ، مَوْلَى عَبْدِ اللَّهِ بْنِ جَعْفَرٍ أَنَّهُ أَخْبَرَهُ أَنَّهُ، كَانَ مَعَ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ فَخَرَجَ مَعَهُ مِنَ الْمَدِينَةِ فَمَرُّوا عَلَى حُسَيْنِ بْنِ عَلِيٍّ وَهُوَ مَرِيضٌ بِالسُّقْيَا فَأَقَامَ عَلَيْهِ عَبْدُ اللَّهِ بْنُ جَعْفَرٍ حَتَّى إِذَا خَافَ الْفَوَاتَ خَرَجَ وَبَعَثَ إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ وَأَسْمَاءَ بِنْتِ عُمَيْسٍ وَهُمَا بِالْمَدِينَةِ فَقَدِمَا عَلَيْهِ ثُمَّ إِنَّ حُسَيْنًا أَشَارَ إِلَى رَأْسِهِ فَأَمَرَ عَلِيٌّ بِرَأْسِهِ فَحُلِّقَ ثُمَّ نَسَكَ عَنْهُ بِالسُّقْيَا فَنَحَرَ عَنْهُ بَعِيرًا . قَالَ يَحْيَى بْنُ سَعِيدٍ وَكَانَ حُسَيْنٌ خَرَجَ مَعَ عُثْمَانَ بْنِ عَفَّانَ فِي سَفَرِهِ ذَلِكَ إِلَى مَكَّةَ .

USC-MSA web (English) reference : Book 20, Hadith 174
Arabic reference : Book 20, Hadith 875

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "The whole of Arafa is a mawqif, except the middle of Urana, and the whole of Muzdalifa is a standing-place, except for the middle of Muhassir."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " عَرَفَةُ كُلُّهَا مَوْقِفٌ وَارْتَفِعُوا عَنْ بَطْنِ عُرَنَةَ وَالْمُزْدَلِفَةُ كُلُّهَا مَوْقِفٌ وَارْتَفِعُوا عَنْ بَطْنِ مُحَسِّرٍ " .

USC-MSA web (English) reference : Book 20, Hadith 175
Arabic reference : Book 20, Hadith 876

Yahya related to me from Malik from Hisham ibn Urwa that Abdullah ibn az-Zubayr used to say, "Know that the whole of Arafa is a standing-place except for the middle of Urana, and that the wholeof Muzdalifa is a standing-place except for the middle of Muhassir."

Malik said, "Allah, the Blessed and Exalted says, 'There is to be no rafath, no fusuq and no jidal during the hajj.' " (Sura 2 ayat 197).
He added, "Rafath is sexual relations with women, and Allah knows best. Allah, the Blessed and Exalted says, 'Rafath with your women is permitted to you on the night of the fast.' (Sura 2 ayat 197). Fusuq are sacrifices made to idols, and Allah knows best. Allah, the Blessed and Exalted, says, 'Or a fisq offered up to other than Allah.' (Sura 2 ayat 197) Jidal (arguing) during the hajj refers to when the Quraysh used to stand near the mashar al-haram at Quzah in Muzdalifa, while the Arabs and others would stand at Arafa, and they would argue about who was the more correct. Allah, the Blessed and Exalted, says, 'And we appointed a method of sacrifice for every nation, which they followed, so let them not dispute with you about the matter, and call to your Lord. Surely you are on a straight guidance.' (Sura 22 ayat 67) This is what jidal refers to in our opinion, and Allah knows best. This I have heard from the people of knowledge."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، أَنَّهُ كَانَ يَقُولُ اعْلَمُوا أَنَّ عَرَفَةَ كُلَّهَا مَوْقِفٌ إِلاَّ بَطْنَ عُرَنَةَ وَأَنَّ الْمُزْدَلِفَةَ كُلَّهَا مَوْقِفٌ إِلاَّ بَطْنَ مُحَسِّرٍ . قَالَ مَالِكٌ قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى {فَلاَ رَفَثَ وَلاَ فُسُوقَ وَلاَ جِدَالَ فِي الْحَجِّ } قَالَ فَالرَّفَثُ إِصَابَةُ النِّسَاءِ وَاللَّهُ أَعْلَمُ قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى {أُحِلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ } قَالَ وَالْفُسُوقُ الذَّبْحُ لِلأَنْصَابِ وَاللَّهُ أَعْلَمُ قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى {أَوْ فِسْقًا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ} . قَالَ وَالْجِدَالُ فِي الْحَجِّ أَنَّ قُرَيْشًا كَانَتْ تَقِفُ عِنْدَ الْمَشْعَرِ الْحَرَامِ بِالْمُزْدَلِفَةِ بِقُزَحَ وَكَانَتِ الْعَرَبُ وَغَيْرُهُمْ يَقِفُونَ بِعَرَفَةَ فَكَانُوا يَتَجَادَلُونَ يَقُولُ هَؤُلاَءِ نَحْنُ أَصْوَبُ وَيَقُولُ هَؤُلاَءِ نَحْنُ أَصْوَبُ فَقَالَ اللَّهُ تَعَالَى وَ {لِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا هُمْ نَاسِكُوهُ فَلاَ يُنَازِعُنَّكَ فِي الأَمْرِ وَادْعُ إِلَى رَبِّكَ إِنَّكَ لَعَلَى هُدًى مُسْتَقِيمٍ} فَهَذَا الْجِدَالُ فِيمَا نُرَى وَاللَّهُ أَعْلَمُ وَقَدْ سَمِعْتُ ذَلِكَ مِنْ أَهْلِ الْعِلْمِ .

USC-MSA web (English) reference : Book 20, Hadith 176
Arabic reference : Book 20, Hadith 877

Malik was asked about whether a man could stand at Arafa, or at Muzdalifa, or stone the Jamras, or do say between Safa and Marwa if he was not in wudu, and he said, "Every practice in the hajj that a menstruating woman can take part in can be taken part in by a man who is not in wudu and there is nothing due from him for that. However, it is better for him to be in wudu for all those things, and he should not make a general practice of it."

Malik was asked whether a man who was riding should get down to do the standing at Arafa or if he could stand while mounted, and he said, "He can stand while mounted, unless he or his riding beast have an illness, in which case Allah is the one who most often accepts an excuse."

USC-MSA web (English) reference : Book 20, Hadith 177

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Someone who does not stand at Arafa on the night of Muzdalifa before the dawn breaks has missed the hajj, and someone who stands at Arafa on the night of Muzdalifa before the dawn breaks has caught the hajj."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ مَنْ لَمْ يَقِفْ بِعَرَفَةَ مِنْ لَيْلَةِ الْمُزْدَلِفَةِ قَبْلَ أَنْ يَطْلُعَ الْفَجْرُ فَقَدْ فَاتَهُ الْحَجُّ وَمَنْ وَقَفَ بِعَرَفَةَ مِنْ لَيْلَةِ الْمُزْدَلِفَةِ مِنْ قَبْلِ أَنْ يَطْلُعَ الْفَجْرُ فَقَدْ أَدْرَكَ الْحَجَّ .

USC-MSA web (English) reference : Book 20, Hadith 178
Arabic reference : Book 20, Hadith 878

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "Someone who does not stand at Arafa on the night of Muzdalifa

before the dawn breaks has missed the hajj, and some one who stands at Arafa on the night of Muzdalifa before the dawn breaks has caught the hajj.
Malik said, about a slave freed during the wuquf at Arafa, "His standing does not fulfil for him the hajj of Islam, except if he was not in ihram and then he went into ihram after he was freed and he stood at Arafa that same night before the dawn broke in which case that is enough for him. If, however, he did not go into ihram until after the dawn had broken, he is in the same position as someone who misses the hajj by not catching the standing at Arafa before the breaking of the dawn on the night of Muzdalifa, and he will have to do the hajj of Islam later."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ مَنْ أَدْرَكَهُ الْفَجْرُ مِنْ لَيْلَةِ الْمُزْدَلِفَةِ وَلَمْ يَقِفْ بِعَرَفَةَ فَقَدْ فَاتَهُ الْحَجُّ وَمَنْ وَقَفَ بِعَرَفَةَ مِنْ لَيْلَةِ الْمُزْدَلِفَةِ قَبْلَ أَنْ يَطْلُعَ الْفَجْرُ فَقَدْ أَدْرَكَ الْحَجَّ . قَالَ مَالِكٌ فِي الْعَبْدِ يُعْتَقُ فِي الْمَوْقِفِ بِعَرَفَةَ فَإِنَّ ذَلِكَ لاَ يَجْزِي عَنْهُ مِنْ حَجَّةِ الإِسْلاَمِ إِلاَّ أَنْ يَكُونَ لَمْ يُحْرِمْ فَيُحْرِمُ بَعْدَ أَنْ يُعْتَقَ ثُمَّ يَقِفُ بِعَرَفَةَ مِنْ تِلْكَ اللَّيْلَةِ قَبْلَ أَنْ يَطْلُعَ الْفَجْرُ فَإِنْ فَعَلَ ذَلِكَ أَجْزَأَ عَنْهُ وَإِنْ لَمْ يُحْرِمْ حَتَّى طَلَعَ الْفَجْرُ كَانَ بِمَنْزِلَةِ مَنْ فَاتَهُ الْحَجُّ إِذَا لَمْ يُدْرِكِ الْوُقُوفَ بِعَرَفَةَ قَبْلَ طُلُوعِ الْفَجْرِ مِنْ لَيْلَةِ الْمُزْدَلِفَةِ وَيَكُونُ عَلَى الْعَبْدِ حَجَّةُ الإِسْلاَمِ يَقْضِيهَا .

USC-MSA web (English) reference : Book 20, Hadith 179
Arabic reference : Book 20, Hadith 879

Yahya related to me from Malik from Nafj from Salim and Ubaydullah, two sons of Abdullah ibn Umar, that their father Abdullah ibn Umar used to send his family and children from Muzdalifa to Mina ahead of him so that they could pray subh at Mina and throw the stones before everyone (else) arrived.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ سَالِمٍ، وَعُبَيْدِ اللَّهِ، ابْنَىْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّ أَبَاهُمَا عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُقَدِّمُ أَهْلَهُ وَصِبْيَانَهُ مِنَ الْمُزْدَلِفَةِ إِلَى مِنًى حَتَّى يُصَلُّوا الصُّبْحَ بِمِنًى وَيَرْمُوا قَبْلَ أَنْ يَأْتِيَ النَّاسُ .

USC-MSA web (English) reference : Book 20, Hadith 180
Arabic reference : Book 20, Hadith 880

Yahya related to me from Malik from Yahya ibn Said from Ata ibn Abi Rabah that a mawla of Asma bint Abi Bakr told him, "We arrived at Mina with Asma bint Abi Bakr at the end of the night, and I said to her, 'We have arrived at Mina at the end of the night,' and she said, 'We used to do that with one who was better than you.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، أَنَّ مَوْلاَةً، لأَسْمَاءَ بِنْتِ أَبِي بَكْرٍ أَخْبَرَتْهُ قَالَتْ، جِئْنَا مَعَ أَسْمَاءَ ابْنَةِ أَبِي بَكْرٍ مِنًى بِغَلَسٍ - قَالَتْ - فَقُلْتُ لَهَا لَقَدْ جِئْنَا مِنًى بِغَلَسٍ . فَقَالَتْ قَدْ كُنَّا نَصْنَعُ ذَلِكَ مَعَ مَنْ هُوَ خَيْرٌ مِنْكِ .

USC-MSA web (English) reference : Book 20, Hadith 181
Arabic reference : Book 20, Hadith 881

Yahya related to me from Malik that he had heard that Talha ibn Ubaydullah used to send his family and children from Muzdalifa to Mina ahead of him.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ طَلْحَةَ بْنَ عُبَيْدِ اللَّهِ، كَانَ يُقَدِّمُ نِسَاءَهُ وَصِبْيَانَهُ مِنَ الْمُزْدَلِفَةِ إِلَى مِنًى . وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ سَمِعَ بَعْضَ أَهْلِ الْعِلْمِ يَكْرَهُ رَمْىَ الْجَمْرَةِ حَتَّى يَطْلُعَ الْفَجْرُ مِنْ يَوْمِ النَّحْرِ وَمَنْ رَمَى فَقَدْ حَلَّ لَهُ النَّحْرُ .

USC-MSA web (English) reference : Book 20, Hadith 182
Arabic reference : Book 20, Hadith 882

Yahya related to.me from Malik that he had heard one of the people of knowledge disapproving of stoning the jamra until after dawn on the day of sacrifice, as it was halal for whoever had thrown the stones to sacrifice.

USC-MSA web (English) reference : Book 20, Hadith 183

Yahya related to me from Malik from Hisham ibn Urwa that Fatima bint al-Mundhir told him that she used to see Asma bint Abi Bakrat Muzdalifa telling whoever led the subh prayer for her and her companions to pray it as soon as the dawn broke, after which she would mount and go to Mina without stopping at all.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ، أَخْبَرَتْهُ أَنَّهَا، كَانَتْ تَرَى أَسْمَاءَ بِنْتَ أَبِي بَكْرٍ بِالْمُزْدَلِفَةِ تَأْمُرُ الَّذِي يُصَلِّي لَهَا وَلأَصْحَابِهَا الصُّبْحَ يُصَلِّي لَهُمُ الصُّبْحَ حِينَ يَطْلُعُ الْفَجْرُ ثُمَّ تَرْكَبُ فَتَسِيرُ إِلَى مِنًى وَلاَ تَقِفُ .

USC-MSA web (English) reference : Book 20, Hadith 184
Arabic reference : Book 20, Hadith 883

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "I was sitting with Usama ibn Zayd when some one asked him, 'How did the Messenger of Allah, may Allah bless him and grant him peace, travel when he went from Arafa to Muzdalifa during the farewell hajj?' and he replied, 'He went at a medium pace, but when he found a gap (in the crowds) he speeded up.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ سُئِلَ أُسَامَةُ بْنُ زَيْدٍ - وَأَنَا جَالِسٌ، مَعَهُ - كَيْفَ كَانَ يَسِيرُ رَسُولُ اللَّهِ صلى الله عليه وسلم فِي حَجَّةِ الْوَدَاعِ حِينَ دَفَعَ قَالَ كَانَ يَسِيرُ الْعَنَقَ فَإِذَا وَجَدَ فَجْوَةً نَصَّ . قَالَ مَالِكٌ قَالَ هِشَامٌ وَالنَّصُّ فَوْقَ الْعَنَقِ .

USC-MSA web (English) reference : Book 20, Hadith 185
Arabic reference : Book 20, Hadith 884

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to spur on his mount in the middle of Muhassir over the distance of a stone's throw.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُحَرِّكُ رَاحِلَتَهُ فِي بَطْنِ مُحَسِّرٍ قَدْرَ رَمْيَةٍ بِحَجَرٍ .

USC-MSA web (English) reference : Book 20, Hadith 186
Arabic reference : Book 20, Hadith 885

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said once at Mina, "This place (where I have just sacrificed), and the whole of Mina, is a place of sacrifice,"

and he said once during umra, "This place of sacrifice" meaning Marwa, "and all the pathways of Makka and its roads are a place of sacrifice."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ بِمِنًى " هَذَا الْمَنْحَرُ وَكُلُّ مِنًى مَنْحَرٌ " . وَقَالَ فِي الْعُمْرَةِ " هَذَا الْمَنْحَرُ - يَعْنِي الْمَرْوَةَ - وَكُلُّ فِجَاجِ مَكَّةَ وَطُرُقِهَا مَنْحَرٌ " .

USC-MSA web (English) reference : Book 20, Hadith 187
Arabic reference : Book 20, Hadith 886

Yahya related to me from Malik that Yahya ibn Said said that Amra bint Abd ar-Rahman told him that she had heard A'isha, umm al-muminin, saying, "We set out with the Messenger of Allah, may Allah bless him and grant him peace, when there were five nights left in Dhu'l-Qada and we assumed that we must be setting out for hajj. When we got near to Makka, the Messenger of Allah, may Allah bless him and grant him peace, told everyone that did not have a sacrificial animal with them to leave ihram after they had done tawaf of the House and say between Safa and Marwa."

A'isha added, "We were sent some beef on the day of sacrifice. I asked what it was and they said that the Messenger of Allah, may Allah bless him and grant him peace, had sacrificed for his wives."
Yahya ibn Said said, "I mentioned this hadith to Qasim ibn Muhammad and he said, 'She has given you the complete hadith, by Allah.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ أَخْبَرَتْنِي عَمْرَةُ بِنْتُ عَبْدِ الرَّحْمَنِ، أَنَّهَا سَمِعَتْ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ، تَقُولُ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم لِخَمْسِ لَيَالٍ بَقِينَ مِنْ ذِي الْقَعْدَةِ وَلاَ نُرَى إِلاَّ أَنَّهُ الْحَجُّ فَلَمَّا دَنَوْنَا مِنْ مَكَّةَ أَمَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم مَنْ لَمْ يَكُنْ مَعَهُ هَدْىٌ إِذَا طَافَ بِالْبَيْتِ وَسَعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ أَنْ يَحِلَّ . قَالَتْ عَائِشَةُ فَدُخِلَ عَلَيْنَا يَوْمَ النَّحْرِ بِلَحْمِ بَقَرٍ فَقُلْتُ مَا هَذَا فَقَالُوا نَحَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ أَزْوَاجِهِ . قَالَ يَحْيَى بْنُ سَعِيدٍ فَذَكَرْتُ هَذَا الْحَدِيثَ لِلْقَاسِمِ بْنِ مُحَمَّدٍ فَقَالَ أَتَتْكَ وَاللَّهِ بِالْحَدِيثِ عَلَى وَجْهِهِ .

USC-MSA web (English) reference : Book 20, Hadith 188
Arabic reference : Book 20, Hadith 887

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Hafsa, umm al-muminin, once said to the Messenger of Allah, may Allah bless him and grant him peace, "Why is it that everyone has left ihram and you still have not left ihram from your umra?" and he replied, "I have matted my hair and garlanded my sacrificial animal and will not leave ihram until I have sacrificed the animal."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ حَفْصَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا قَالَتْ لِرَسُولِ اللَّهِ صلى الله عليه وسلم مَا شَأْنُ النَّاسِ حَلُّوا وَلَمْ تَحْلِلْ أَنْتَ مِنْ عُمْرَتِكَ فَقَالَ " إِنِّي لَبَّدْتُ رَأْسِي وَقَلَّدْتُ هَدْيِي فَلاَ أَحِلُّ حَتَّى أَنْحَرَ " .

USC-MSA web (English) reference : Book 20, Hadith 189
Arabic reference : Book 20, Hadith 888

190 Yahya related to me from Malik from Jafar ibn Muhammad from his father from Ali ibn Abi Talib that the Messenger of Allah, may Allah bless him and grant him peace, killed some of his sacrificial animals himself, and someone else killed the rest.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَحَرَ بَعْضَ هَدْيِهِ وَنَحَرَ غَيْرُهُ بَعْضَهُ .

USC-MSA web (English) reference : Book 20, Hadith 190
Arabic reference : Book 20, Hadith 889

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "Someone who vows to sacrifice a camel or a cow to Allah should garland it with two sandals about its neck, and brand it by causing blood to flow from its side. He should then sacrifice it either at the House or at Mina on the day of sacrifice. There are no other correct places apart from those. However, someone who vows to slaughter a camel or a cow simply as a sacrifice can sacrifice it wherever he wishes."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، قَالَ مَنْ نَذَرَ بَدَنَةً فَإِنَّهُ يُقَلِّدُهَا نَعْلَيْنِ وَيُشْعِرُهَا ثُمَّ يَنْحَرُهَا عِنْدَ الْبَيْتِ أَوْ بِمِنًى يَوْمَ النَّحْرِ لَيْسَ لَهَا مَحِلٌّ دُونَ ذَلِكَ وَمَنْ نَذَرَ جَزُورًا مِنَ الإِبِلِ أَوِ الْبَقَرِ فَلْيَنْحَرْهَا حَيْثُ شَاءَ .

USC-MSA web (English) reference : Book 20, Hadith 191
Arabic reference : Book 20, Hadith 890

Yahya related to me from Malik from Hisham ibn Urwa that his father used to kill his sacrificial animals while they were standing.

Malik said, "No-one is permitted to shave his head until he has killed his sacrificial animal, and no-one must sacrifice before dawn on the day of sacrifice. The things that should be done on the day of sacrifice are slaughtering, donning clothes, grooming the body generally (at-tafath) and shaving the head, and none of this may be done before the day of sacrifice."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ أَبَاهُ، كَانَ يَنْحَرُ بُدْنَهُ قِيَامًا . قَالَ مَالِكٌ لاَ يَجُوزُ لأَحَدٍ أَنْ يَحْلِقَ رَأْسَهُ حَتَّى يَنْحَرَ هَدْيَهُ وَلاَ يَنْبَغِي لأَحَدٍ أَنْ يَنْحَرَ قَبْلَ الْفَجْرِ يَوْمَ النَّحْرِ وَإِنَّمَا الْعَمَلُ كُلُّهُ يَوْمَ النَّحْرِ الذَّبْحُ وَلُبْسُ الثِّيَابِ وَإِلْقَاءُ التَّفَثِ وَالْحِلاَقُ لاَ يَكُونُ شَىْءٌ مِنْ ذَلِكَ يُفْعَلُ قَبْلَ يَوْمِ النَّحْرِ.

USC-MSA web (English) reference : Book 20, Hadith 192
Arabic reference : Book 20, Hadith 891

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "O Allah, have mercy on those who shave their hair." They said, "And those who shorten (their hair), Messenger of Allah." He said, "O Allah, have mercy on those who shave." They said, "And those who shorten, Messenger of Allah." He said, "And those who shorten."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " اللَّهُمَّ ارْحَمِ الْمُحَلِّقِينَ " . قَالُوا وَالْمُقَصِّرِينَ يَا رَسُولَ اللَّهِ . قَالَ " اللَّهُمَّ ارْحَمِ الْمُحَلِّقِينَ " . قَالُوا وَالْمُقَصِّرِينَ يَا رَسُولَ اللَّهِ . قَالَ " وَالْمُقَصِّرِينَ " .

USC-MSA web (English) reference : Book 20, Hadith 193
Arabic reference : Book 20, Hadith 892

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that his father used to go into Makka by night when he was doing umra and do tawaf of the House and say between Safa and Marwa and delay the shaving until the morning, but he would not go back to the House and do tawaf again until he had shaved his head.

Abd ar-Rahman added, "Sometimes he would enter the mosque and do the witr prayer there without actually going near the House."
Malik said, "At-tafath is shaving the head, putting on normal clothes and things of that nature."
Yahya said that Malik was asked whether a man who forgot to shave (his head) at Mina during the hajj could shave in Makka, and he said, "That is permissible, but I prefer the shaving to be done at Mina."
Malik said, "What we are all agreed upon here (in Madina) is that no-one should shave his head or cut his hair until he has killed his sacrificial animal, if he has one, and things that are haram for him do not become halal for him until he leaves ihram at Mina on the day of sacrifice. This is because Allah, the Blessed and Exalted, says, 'Do not shave yourheads until the sacrificial animal has reached its destination. ' "
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَدْخُلُ مَكَّةَ لَيْلاً وَهُوَ مُعْتَمِرٌ فَيَطُوفُ بِالْبَيْتِ وَبَيْنَ الصَّفَا وَالْمَرْوَةِ وَيُؤَخِّرُ الْحِلاَقَ حَتَّى يُصْبِحَ . قَالَ وَلَكِنَّهُ لاَ يَعُودُ إِلَى الْبَيْتِ فَيَطُوفُ بِهِ حَتَّى يَحْلِقَ رَأْسَهُ . قَالَ وَرُبَّمَا دَخَلَ الْمَسْجِدَ فَأَوْتَرَ فِيهِ وَلاَ يَقْرَبُ الْبَيْتَ . قَالَ مَالِكٌ التَّفَثُ حِلاَقُ الشَّعَرِ وَلُبْسُ الثِّيَابِ وَمَا يَتْبَعُ ذَلِكَ . قَالَ يَحْيَى سُئِلَ مَالِكٌ عَنْ رَجُلٍ نَسِيَ الْحِلاَقَ بِمِنًى فِي الْحَجِّ هَلْ لَهُ رُخْصَةٌ فِي أَنْ يَحْلِقَ بِمَكَّةَ قَالَ ذَلِكَ وَاسِعٌ وَالْحِلاَقُ بِمِنًى أَحَبُّ إِلَىَّ . قَالَ مَالِكٌ الأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا أَنَّ أَحَدًا لاَ يَحْلِقُ رَأْسَهُ وَلاَ يَأْخُذُ مِنْ شَعَرِهِ حَتَّى يَنْحَرَ هَدْيًا إِنْ كَانَ مَعَهُ وَلاَ يَحِلُّ مِنْ شَىْءٍ حَرُمَ عَلَيْهِ حَتَّى يَحِلَّ بِمِنًى يَوْمَ النَّحْرِ وَذَلِكَ أَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ {وَلاَ تَحْلِقُوا رُءُوسَكُمْ حَتَّى يَبْلُغَ الْهَدْىُ مَحِلَّهُ}

USC-MSA web (English) reference : Book 20, Hadith 194
Arabic reference : Book 20, Hadith 893

Yahya related to me from Malik from Nafi that if Abdullah ibn Umar had finished the fast of Ramadan and intended to do hajj, he would not cut his hair or beard at all until he had done hajj.

Malik said, "It is not necessary for people to do the same."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا أَفْطَرَ مِنْ رَمَضَانَ وَهُوَ يُرِيدُ الْحَجَّ لَمْ يَأْخُذْ مِنْ رَأْسِهِ وَلاَ مِنْ لِحْيَتِهِ شَيْئًا حَتَّى يَحُجَّ . قَالَ مَالِكٌ لَيْسَ ذَلِكَ عَلَى النَّاسِ .

USC-MSA web (English) reference : Book 20, Hadith 195
Arabic reference : Book 20, Hadith 894

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to trim his beard and moustache when he shaved at the end of a hajj or umra.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا حَلَقَ فِي حَجٍّ أَوْ عُمْرَةٍ أَخَذَ مِنْ لِحْيَتِهِ وَشَارِبِهِ .

USC-MSA web (English) reference : Book 20, Hadith 196
Arabic reference : Book 20, Hadith 895

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that a man came to Qasim ibn Muhammad and said, "I did the tawaf al- ifada along with my wife, and then I went off onto a mountain path and approached my wife

to make love to her, and she said, 'I have not cut my hair yet.' So I bit some of her hair off with my teeth and then had intercourse with her." Qasim laughed and said, "Tell her to cut her hair with some scissors."

Malik said, "To my liking an animal should be sacrificed in an instance such as this, because Abdullah ibn Abbas said, 'Whoever forgets any of his rites on hajj should sacrifice an animal.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ رَجُلاً، أَتَى الْقَاسِمَ بْنَ مُحَمَّدٍ فَقَالَ إِنِّي أَفَضْتُ وَأَفَضْتُ مَعِي بِأَهْلِي ثُمَّ عَدَلْتُ إِلَى شِعْبٍ فَذَهَبْتُ لأَدْنُوَ مِنْ أَهْلِي فَقَالَتْ إِنِّي لَمْ أُقَصِّرْ مِنْ شَعَرِي بَعْدُ فَأَخَذْتُ مِنْ شَعَرِهَا بِأَسْنَانِي ثُمَّ وَقَعْتُ بِهَا فَضَحِكَ الْقَاسِمُ وَقَالَ مُرْهَا فَلْتَأْخُذْ مِنْ شَعَرِهَا بِالْجَلَمَيْنِ . قَالَ مَالِكٌ أَسْتَحِبُّ فِي مِثْلِ هَذَا أَنْ يُهْرِقَ دَمًا وَذَلِكَ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ قَالَ مَنْ نَسِيَ مِنْ نُسُكِهِ شَيْئًا فَلْيُهْرِقْ دَمًا .

USC-MSA web (English) reference : Book 20, Hadith 197
Arabic reference : Book 20, Hadith 896

Yahya related to me from Malik from Nafi that Abdullah ibn Umar once met a relative of his called al-Mujabbar who had done the tawaf al-ifada but, out of ignorance, had not shaved his head or cut his hair. Abdullah told him to go back and shave his head or cut his hair, and then go back and do the tawaf al-ifada.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ لَقِيَ رَجُلاً مِنْ أَهْلِهِ يُقَالُ لَهُ الْمُجَبَّرُ قَدْ أَفَاضَ وَلَمْ يَحْلِقْ وَلَمْ يُقَصِّرْ جَهِلَ ذَلِكَ فَأَمَرَهُ عَبْدُ اللَّهِ أَنْ يَرْجِعَ فَيَحْلِقَ أَوْ يُقَصِّرَ ثُمَّ يَرْجِعَ إِلَى الْبَيْتِ فَيُفِيضَ .

USC-MSA web (English) reference : Book 20, Hadith 198
Arabic reference : Book 20, Hadith 897

Yahya related to me from Malik that he had heard that when Salim ibn Abdullah intended to go into ihram he would call for some scissors and trim his moustache and beard before setting off and before going into ihram.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَالِمَ بْنَ عَبْدِ اللَّهِ، كَانَ إِذَا أَرَادَ أَنْ يُحْرِمَ دَعَا بِالْجَلَمَيْنِ فَقَصَّ شَارِبَهُ وَأَخَذَ مِنْ لِحْيَتِهِ قَبْلَ أَنْ يَرْكَبَ وَقَبْلَ أَنْ يُهِلَّ مُحْرِمًا .

USC-MSA web (English) reference : Book 20, Hadith 199
Arabic reference : Book 20, Hadith 898

Yahya related to me from Malik from Nafi from 'Abdullah ibn 'Umar that Umar ibn al-Khattab said, "Someone who puts plaits in his hair should shave his head, and do not plait your hair in such a way that it seems you have matted it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَنْ ضَفَرَ رَأْسَهُ فَلْيَحْلِقْ وَلاَ تَشَبَّهُوا بِالتَّلْبِيدِ .

USC-MSA web (English) reference : Book 20, Hadith 200
Arabic reference : Book 20, Hadith 899

Yahya related to me from Malik from Yahya ibn Said from Said ibn al-Musayyab that Umar ibn al-Khattab said, "Anyone who has braided his hair, or plaited it or matted it must shave his head."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَنْ عَقَصَ رَأْسَهُ أَوْ ضَفَرَ أَوْ لَبَّدَ فَقَدْ وَجَبَ عَلَيْهِ الْحِلاَقُ .

USC-MSA web (English) reference : Book 20, Hadith 201
Arabic reference : Book 20, Hadith 900

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, entered the Kaba with Usama ibn Zayd, Bilal ibn Rabah and Uthman ibn Talha al-Hajabi and locked it behind him and stayed there for some time.

Abdullah said that he asked Bilal when he came out what the Messenger of Allah had done there and he said, "He positioned himself with one support to his left, two supports to his right, and three behind him (the house had six supports at that time) and then he prayed."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم دَخَلَ الْكَعْبَةَ هُوَ وَأُسَامَةُ بْنُ زَيْدٍ وَبِلاَلُ بْنُ رَبَاحٍ وَعُثْمَانُ بْنُ طَلْحَةَ الْحَجَبِيُّ فَأَغْلَقَهَا عَلَيْهِ وَمَكَثَ فِيهَا . قَالَ عَبْدُ اللَّهِ فَسَأَلْتُ بِلاَلاً حِينَ خَرَجَ مَا صَنَعَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقَالَ جَعَلَ عَمُودًا عَنْ يَمِينِهِ وَعَمُودَيْنِ عَنْ يَسَارِهِ وَثَلاَثَةَ أَعْمِدَةٍ وَرَاءَهُ - وَكَانَ الْبَيْتُ يَوْمَئِذٍ عَلَى سِتَّةِ أَعْمِدَةٍ - ثُمَّ صَلَّى .

USC-MSA web (English) reference : Book 20, Hadith 202
Arabic reference : Book 20, Hadith 901

Yahya related to me from Malik from Ibn Shihab that Salim ibn Abdullah said, ''Abd al-Malik ibn Marwan wrote to al-Hajjaj ibn Yusuf telling him not to disagree with Abdullah ibn Umar about anything to do with the hajj. Then, when the day of Arafa came Abdullah ibn Umar went to him just after noon, and I went with him. He called out to him outside his tent, 'Where is this man?' and a-lHajjaj came out to him, wearing a blanket dyed with safflower, and said to him, 'What's up with you, Abu Abd ar-Rahman?' He said, 'Hurry up, if you want to follow the sunna.' Al-Hajjaj said, 'At this hour?' and he said, 'Yes.' Al-Hajjaj said, 'Wait until I have poured some water over myself, and then I will come out.' So Abdullah dismounted and waited until al- Hajjaj came out. He passed between me and my father and I said to him, 'If you want to accord with the sunna today, then make the khutba short, do not delay the prayer and do the prayer quickly.' Then he began looking at Abdullah ibn Umar to see if he would say the same thing, and when Abdullah saw that, he said, 'What Salim is saying is true.' "

20.64 Doing the Prayer at Mina on the Eighth Day of Dhu-l-Hijja, and the Jumua at Mina and Arafa

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ قَالَ كَتَبَ عَبْدُ الْمَلِكِ بْنُ مَرْوَانَ إِلَى الْحَجَّاجِ بْنِ يُوسُفَ أَنْ لاَ تُخَالِفَ عَبْدَ اللَّهِ بْنَ عُمَرَ فِي شَىْءٍ مِنْ أَمْرِ الْحَجِّ . قَالَ فَلَمَّا كَانَ يَوْمُ عَرَفَةَ جَاءَهُ عَبْدُ اللَّهِ بْنُ عُمَرَ حِينَ زَالَتِ الشَّمْسُ وَأَنَا مَعَهُ فَصَاحَ بِهِ عِنْدَ سُرَادِقِهِ أَيْنَ هَذَا فَخَرَجَ عَلَيْهِ الْحَجَّاجُ وَعَلَيْهِ مِلْحَفَةٌ مُعَصْفَرَةٌ فَقَالَ مَا لَكَ يَا أَبَا عَبْدِ الرَّحْمَنِ فَقَالَ الرَّوَاحَ إِنْ كُنْتَ تُرِيدُ السُّنَّةَ . فَقَالَ أَهَذِهِ السَّاعَةَ قَالَ نَعَمْ . قَالَ فَأَنْظِرْنِي حَتَّى أُفِيضَ عَلَىَّ مَاءً ثُمَّ أَخْرُجَ . فَنَزَلَ عَبْدُ اللَّهِ حَتَّى خَرَجَ الْحَجَّاجُ فَسَارَ بَيْنِي وَبَيْنَ أَبِي فَقُلْتُ لَهُ إِنْ كُنْتَ تُرِيدُ أَنْ تُصِيبَ السُّنَّةَ الْيَوْمَ فَاقْصُرِ الْخُطْبَةَ وَعَجِّلِ الصَّلاَةَ - قَالَ - فَجَعَلَ يَنْظُرُ إِلَى عَبْدِ اللَّهِ بْنِ عُمَرَ كَيْمَا يَسْمَعَ ذَلِكَ مِنْهُ فَلَمَّا رَأَى ذَلِكَ عَبْدُ اللَّهِ قَالَ صَدَقَ سَالِمٌ .

USC-MSA web (English) reference : Book 20, Hadith 203
Arabic reference : Book 20, Hadith 902

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to pray dhuhr, asr, maghrib, isha and subh at Mina. Then in the morning, after the sun had risen, he would go to Arafa .

Malik said, "What we are all agreed upon here (in Madina) is that the imam does not recite the Qur'an out loud in dhuhr on the day of Arafa, and that he gives a khutba to the people on that day, and that the prayer on the day of Arafa is really a dhuhr prayer, and even if it coincides with a jumua it is still a dhuhr prayer, but one which has been shortened because of travelling."
Malik said that the imam of the pilgrims should not pray the jumua prayer if the day of Arafa, the day of sacrifice or one of the three days after the day of sacrifice, was a Friday.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُصَلِّي الظُّهْرَ وَالْعَصْرَ وَالْمَغْرِبَ وَالْعِشَاءَ وَالصُّبْحَ بِمِنًى ثُمَّ يَغْدُو إِذَا طَلَعَتِ الشَّمْسُ إِلَى عَرَفَةَ . قَالَ مَالِكٌ وَالأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا أَنَّ الإِمَامَ لاَ يَجْهَرُ بِالْقُرْآنِ فِي الظُّهْرِ يَوْمَ عَرَفَةَ وَأَنَّهُ يَخْطُبُ النَّاسَ يَوْمَ عَرَفَةَ وَأَنَّ الصَّلاَةَ يَوْمَ عَرَفَةَ إِنَّمَا هِيَ ظُهْرٌ وَإِنْ وَافَقَتِ الْجُمُعَةَ فَإِنَّمَا هِيَ ظُهْرٌ وَلَكِنَّهَا قُصِرَتْ مِنْ أَجْلِ السَّفَرِ . قَالَ مَالِكٌ فِي إِمَامِ الْحَاجِّ إِذَا وَافَقَ يَوْمُ الْجُمُعَةِ يَوْمَ عَرَفَةَ أَوْ يَوْمَ النَّحْرِ أَوْ بَعْضَ أَيَّامِ التَّشْرِيقِ إِنَّهُ لاَ يُجَمِّعُ فِي شَىْءٍ مِنْ تِلْكَ الأَيَّامِ .

USC-MSA web (English) reference : Book 20, Hadith 204
Arabic reference : Book 20, Hadith 903

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, prayed maghrib and isha together at Muzdalifa.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم صَلَّى الْمَغْرِبَ وَالْعِشَاءَ بِالْمُزْدَلِفَةِ جَمِيعًا .

USC-MSA web (English) reference : Book 20, Hadith 205
Arabic reference : Book 20, Hadith 904

Yahya related to me from Malik from Musa ibn Uqba that Kurayb, the mawla of Ibn 'Abbas, heard Usama ibn Zayd say, "The Messenger ofAllah, may Allah bless him and grant him peace, left Arafa and then, when he reached ash-Shib, he dismounted and urinated and then did wudu, though not thoroughly. I said to him, 'It is time for the prayer, Messenger of Allah,' and he said 'The prayer is ahead of you,' and then mounted. When we arrived at Muzdalifa he dismounted and did wudu thoroughly. Then the iqama was said for the prayer and he prayed maghrib. After that everyone settled his camel in its resting-place, and then the iqama for isha was said and he prayed it, without having prayed anything between the two."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ كُرَيْبٍ، مَوْلَى ابْنِ عَبَّاسٍ عَنْ أُسَامَةَ بْنِ زَيْدٍ، أَنَّهُ سَمِعَهُ يَقُولُ دَفَعَ رَسُولُ اللَّهِ صلى الله عليه وسلم مِنْ عَرَفَةَ حَتَّى إِذَا كَانَ بِالشِّعْبِ نَزَلَ فَبَالَ فَتَوَضَّأَ فَلَمْ يُسْبِغِ الْوُضُوءَ فَقُلْتُ لَهُ الصَّلاَةَ يَا رَسُولَ اللَّهِ . فَقَالَ " الصَّلاَةُ أَمَامَكَ " . فَرَكِبَ فَلَمَّا جَاءَ الْمُزْدَلِفَةَ نَزَلَ فَتَوَضَّأَ فَأَسْبَغَ الْوُضُوءَ ثُمَّ أُقِيمَتِ الصَّلاَةُ فَصَلَّى الْمَغْرِبَ ثُمَّ أَنَاخَ كُلُّ إِنْسَانٍ بَعِيرَهُ فِي مَنْزِلِهِ ثُمَّ أُقِيمَتِ الْعِشَاءُ فَصَلاَّهَا وَلَمْ يُصَلِّ بَيْنَهُمَا شَيْئًا .

USC-MSA web (English) reference : Book 20, Hadith 206
Arabic reference : Book 20, Hadith 905

Yahya related to me from Malik from Yahya ibn Said from Adi ibn Thabit al-Ansari that Abdullah ibn Yazid al-Khatmi told him that Abu Ayyub al-Ansari told him that he prayed maghrib and isha together at Muzdalifa during the farewell hajj, with the Messenger of Allah, may Allah bless him and grant him peace.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَدِيِّ بْنِ ثَابِتٍ الأَنْصَارِيِّ، أَنَّ عَبْدَ اللَّهِ بْنَ يَزِيدَ الْخَطْمِيَّ، أَخْبَرَهُ أَنَّ أَبَا أَيُّوبَ الأَنْصَارِيَّ أَخْبَرَهُ أَنَّهُ، صَلَّى مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي حَجَّةِ الْوَدَاعِ الْمَغْرِبَ وَالْعِشَاءَ بِالْمُزْدَلِفَةِ جَمِيعًا .

USC-MSA web (English) reference : Book 20, Hadith 207
Arabic reference : Book 20, Hadith 906

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to pray maghrib and isha together at Muzdalifa.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُصَلِّي الْمَغْرِبَ وَالْعِشَاءَ بِالْمُزْدَلِفَةِ جَمِيعًا .

USC-MSA web (English) reference : Book 20, Hadith 208
Arabic reference : Book 20, Hadith 907

Malik said that the people of Makka who are doing hajj should shorten the prayer to two rakas when at Mina until they go back to Ma ka.

USC-MSA web (English) reference : Book 20, Hadith 209

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, prayed four raka prayers with only two rakas when at Mina, and that Abu Bakr prayed them at Mina with only two rakas, and that Umar ibn al-Khattab prayed them at Mina with only two rakas, and that Uthman prayed them at Mina with only two rakas for half of his khalifate, and then later completed them.

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم صَلَّى الصَّلاَةَ الرُّبَاعِيَّةَ بِمِنًى رَكْعَتَيْنِ وَأَنَّ أَبَا بَكْرٍ صَلاَّهَا بِمِنًى رَكْعَتَيْنِ وَأَنَّ عُمَرَ بْنَ الْخَطَّابِ صَلاَّهَا بِمِنًى رَكْعَتَيْنِ وَأَنَّ عُثْمَانَ صَلاَّهَا بِمِنًى رَكْعَتَيْنِ شَطْرَ إِمَارَتِهِ ثُمَّ أَتَمَّهَا بَعْدُ .

USC-MSA web (English) reference : Book 20, Hadith 210
Arabic reference : Book 20, Hadith 908

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab that Umar ibn al-Khattab prayed two rakas with everybody when he arrived in Makka. Then, when he had finished, he said, "People of Makka, complete your prayer, because we are a group of travellers." Later, Umar ibn al-Khattab prayed two rakas with them at Mina, but we have not heard that he said anything to them on that occasion.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، . أَنَّ عُمَرَ بْنَ الْخَطَّابِ، لَمَّا قَدِمَ مَكَّةَ صَلَّى بِهِمْ رَكْعَتَيْنِ ثُمَّ انْصَرَفَ فَقَالَ يَا أَهْلَ مَكَّةَ أَتِمُّوا صَلاَتَكُمْ فَإِنَّا قَوْمٌ سَفْرٌ . ثُمَّ صَلَّى عُمَرُ بْنُ الْخَطَّابِ رَكْعَتَيْنِ بِمِنًى وَلَمْ يَبْلُغْنَا أَنَّهُ قَالَ لَهُمْ شَيْئًا .

USC-MSA web (English) reference : Book 20, Hadith 211
Arabic reference : Book 20, Hadith 909

Yahya related to me from Malik from Zayd ibn Aslam from his father that Umar ibn al-Khattab prayed two rakas with the people of Makka, and then, when he had finished, he said, "People of Makka, complete your prayer, becausewe are a group of travellers." Later, Umar prayed two rakas with them at Mina, but we have not heard that he said anything to them on that occasion.

Malik was asked whether the people of Makka should pray two rakas at Arafa or four, and whether the amir of the hajj, if he was a Makkan, should pray dhuhr and asr with four rakas or two, and also how the people of Makka who were living (at Mina) should pray, and he said, "The people of Makka should pray only two rakas at Arafa and Mina for as long as they stay there, and should shorten the prayer until they return to Makka. The amir of the hajj, if he is a Makkan, should also shorten the prayer at Arafa and during the days of Mina. Anyone who is living at Mina as a resident should do the full prayer at Mina, and similarly anyone who lives at Arafa and is a resident there should do the full prayer at Arafa."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، صَلَّى لِلنَّاسِ بِمَكَّةَ رَكْعَتَيْنِ فَلَمَّا انْصَرَفَ قَالَ يَا أَهْلَ مَكَّةَ أَتِمُّوا صَلاَتَكُمْ فَإِنَّا قَوْمٌ سَفْرٌ . ثُمَّ صَلَّى عُمَرُ رَكْعَتَيْنِ بِمِنًى وَلَمْ يَبْلُغْنَا أَنَّهُ قَالَ لَهُمْ شَيْئًا . سُئِلَ مَالِكٌ عَنْ أَهْلِ مَكَّةَ كَيْفَ صَلاَتُهُمْ بِعَرَفَةَ أَرَكْعَتَانِ أَمْ أَرْبَعٌ وَكَيْفَ بِأَمِيرِ الْحَاجِّ إِنْ كَانَ مِنْ أَهْلِ مَكَّةَ أَيُصَلِّي الظُّهْرَ وَالْعَصْرَ بِعَرَفَةَ أَرْبَعَ رَكَعَاتٍ أَوْ رَكْعَتَيْنِ وَكَيْفَ صَلاَةُ أَهْلِ مَكَّةَ فِي إِقَامَتِهِمْ فَقَالَ مَالِكٌ يُصَلِّي أَهْلُ مَكَّةَ بِعَرَفَةَ وَمِنًى مَا أَقَامُوا بِهِمَا رَكْعَتَيْنِ رَكْعَتَيْنِ يَقْصُرُونَ الصَّلاَةَ حَتَّى يَرْجِعُوا إِلَى مَكَّةَ . قَالَ وَأَمِيرُ الْحَاجِّ أَيْضًا إِذَا كَانَ مِنْ أَهْلِ مَكَّةَ قَصَرَ الصَّلاَةَ بِعَرَفَةَ وَأَيَّامَ مِنًى وَإِنْ كَانَ أَحَدٌ سَاكِنًا بِمِنًى مُقِيمًا بِهَا فَإِنَّ ذَلِكَ يُتِمُّ الصَّلاَةَ بِمِنًى وَإِنْ كَانَ أَحَدٌ سَاكِنًا بِعَرَفَةَ مُقِيمًا بِهَا فَإِنَّ ذَلِكَ يُتِمُّ الصَّلاَةَ بِهَا أَيْضًا .

USC-MSA web (English) reference : Book 20, Hadith 212
Arabic reference : Book 20, Hadith 910

Yahya related to me that Malik said, "Someone who comes to Makka at or before the new moon of Dhu'l-Hij ja and goes into ihram for the hajj should do the full prayer until he leaves Makka for Mina, and then he should shorten the prayer. This is because he has decided to stay there for more than four nights."

USC-MSA web (English) reference : Book 20, Hadith 213

Yahya related to me from Malik from Yahya ibn Said that he had heard that on the day after the day of sacrifice Umar ibn al-Khattab went out a little after the sun had risen and said the takbir, and everyone repeated it after him. Then he went out a second time the same day when the sun was well up and said the takbir, and everyone repeated it after him. Then he went out a third time after mid-day and said the takbir, and everyone repeated it after him until it resounded from group to group until it reached the House and people knew that Umar had left to throw the stones.

Malik said, "What we do here (in Madina) is to say the takbir during the days of tashriq after each prayer. The first time is when the imam and everyone with him says the takbir after the dhuhr prayer on the day of sacrifice, and the last is when the imam and everyone with him says the takbir after subh on the last of the days of tashriq, after which he stops saying the takbir."
Malik said, "The takbirs during the days of tashriq should be done by both men and women, whether they are in a group or by themselves, at Mina or elsewhere, and all of the takbirs should be done. In this everyone follows the imam of the hajj and the people at Mina, because when everyone returns (to Makka) and comes out of ihram they keep the same people as imams while out of ihram (as they did when they were in ihram). Some one who is not doing hajj does not follow them except for the takbirs during the days of tashriq."
Malik said, "The 'limited number of days' are the days of tashriq."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، خَرَجَ الْغَدَ مِنْ يَوْمِ النَّحْرِ حِينَ ارْتَفَعَ النَّهَارُ شَيْئًا فَكَبَّرَ فَكَبَّرَ النَّاسُ بِتَكْبِيرِهِ ثُمَّ خَرَجَ الثَّانِيَةَ مِنْ يَوْمِهِ ذَلِكَ بَعْدَ ارْتِفَاعِ النَّهَارِ فَكَبَّرَ فَكَبَّرَ النَّاسُ بِتَكْبِيرِهِ ثُمَّ خَرَجَ الثَّالِثَةَ حِينَ زَاغَتِ الشَّمْسُ فَكَبَّرَ فَكَبَّرَ النَّاسُ بِتَكْبِيرِهِ حَتَّى يَتَّصِلَ التَّكْبِيرُ وَيَبْلُغَ الْبَيْتَ فَيُعْلَمَ أَنَّ عُمَرَ قَدْ خَرَجَ يَرْمِي . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّ التَّكْبِيرَ فِي أَيَّامِ التَّشْرِيقِ دُبُرَ الصَّلَوَاتِ وَأَوَّلُ ذَلِكَ تَكْبِيرُ الإِمَامِ وَالنَّاسُ مَعَهُ دُبُرَ صَلاَةِ الظُّهْرِ مِنْ يَوْمِ النَّحْرِ وَآخِرُ ذَلِكَ تَكْبِيرُ الإِمَامِ وَالنَّاسُ مَعَهُ دُبُرَ صَلاَةِ الصُّبْحِ مِنْ آخِرِ أَيَّامِ التَّشْرِيقِ ثُمَّ يَقْطَعُ التَّكْبِيرَ . قَالَ مَالِكٌ وَالتَّكْبِيرُ فِي أَيَّامِ التَّشْرِيقِ عَلَى الرِّجَالِ وَالنِّسَاءِ مَنْ كَانَ فِي جَمَاعَةٍ أَوْ وَحْدَهُ بِمِنًى أَوْ بِالآفَاقِ كُلِّهَا وَاجِبٌ وَإِنَّمَا يَأْتَمُّ النَّاسُ فِي ذَلِكَ بِإِمَامِ الْحَاجِّ وَبِالنَّاسِ بِمِنًى لأَنَّهُمْ إِذَا رَجَعُوا وَانْقَضَى الإِحْرَامُ ائْتَمُّوا بِهِمْ حَتَّى يَكُونُوا مِثْلَهُمْ فِي الْحِلِّ فَأَمَّا مَنْ لَمْ يَكُنْ حَاجًّا فَإِنَّهُ لاَ يَأْتَمُّ بِهِمْ إِلاَّ فِي تَكْبِيرِ أَيَّامِ التَّشْرِيقِ . قَالَ مَالِكٌ الأَيَّامُ الْمَعْدُودَاتُ أَيَّامُ التَّشْرِيقِ .

USC-MSA web (English) reference : Book 20, Hadith 214
Arabic reference : Book 20, Hadith 911

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, made his camel kneel down at al-Batha, which is at Dhu'l-Hulayfa, and prayed there. Nafi said, "Abdullah ibn Umar used to do that."

Malik said, "No-one should go past al-Muarras when he is returning from hajj without praying there. If he passes it at a time when prayer is not permissible he should stay there until prayer is permissible and then pray whatever he feels is appropriate. (This is) because I have heard that the Messenger of Allah, may Allah bless him and grant him peace, stopped there to rest, and that Abdullah ibn Umar stopped his camel there also."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَنَاخَ بِالْبَطْحَاءِ الَّتِي بِذِي الْحُلَيْفَةِ فَصَلَّى بِهَا . قَالَ نَافِعٌ وَكَانَ عَبْدُ اللَّهِ بْنُ عُمَرَ يَفْعَلُ ذَلِكَ .

USC-MSA web (English) reference : Book 20, Hadith 215
Arabic reference : Book 20, Hadith 912

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to pray dhuhr, asr, maghrib and isha at al-Muhassab, and then enter Makka at night and do tawaf of the House.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُصَلِّي الظُّهْرَ وَالْعَصْرَ وَالْمَغْرِبَ وَالْعِشَاءَ بِالْمُحَصَّبِ ثُمَّ يَدْخُلُ مَكَّةَ مِنَ اللَّيْلِ فَيَطُوفُ بِالْبَيْتِ .

USC-MSA web (English) reference : Book 20, Hadith 216
Arabic reference : Book 20, Hadith 913

Yahya related to me from Malik that Nafi said, "They say that Umar ibn al-Khattab used to send men out to bring people in from beyond al-Aqaba."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّهُ قَالَ زَعَمُوا أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَبْعَثُ رِجَالاً يُدْخِلُونَ النَّاسَ مِنْ وَرَاءِ الْعَقَبَةِ .

USC-MSA web (English) reference : Book 20, Hadith 217
Arabic reference : Book 20, Hadith 914

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab said, "No-one doing hajj should spend the nights of Mina beyond al-Aqaba."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لاَ يَبِيتَنَّ أَحَدٌ مِنَ الْحَاجِّ لَيَالِيَ مِنًى مِنْ وَرَاءِ الْعَقَبَةِ .

USC-MSA web (English) reference : Book 20, Hadith 218
Arabic reference : Book 20, Hadith 915

Yahya related to me from Malik from Hisham ibn Urwa that his father said, talking about spending the nights of Mina at Makka, "No- one must spend the night anywhere except Mina."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ فِي الْبَيْتُوتَةِ بِمَكَّةَ لَيَالِيَ مِنًى لاَ يَبِيتَنَّ أَحَدٌ إِلاَّ بِمِنًى .

USC-MSA web (English) reference : Book 20, Hadith 219
Arabic reference : Book 20, Hadith 916

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab used to stop at the first two jamras for such a long time that someone standing up would get tired.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَقِفُ عِنْدَ الْجَمْرَتَيْنِ الأُولَيَيْنِ وُقُوفًا طَوِيلاً حَتَّى يَمَلَّ الْقَائِمُ .

USC-MSA web (English) reference : Book 20, Hadith 220
Arabic reference : Book 20, Hadith 917

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to stop for a long time at the first two jamras saying, "Allah is greater", "Glory be to Allah", "Praise be to Allah", and making duas to Allah, but he did not stop at the jamrat al-Aqaba.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقِفُ عِنْدَ الْجَمْرَتَيْنِ الأُولَيَيْنِ وُقُوفًا طَوِيلاً يُكَبِّرُ اللَّهَ وَيُسَبِّحُهُ وَيَحْمَدُهُ وَيَدْعُو اللَّهَ وَلاَ يَقِفُ عِنْدَ جَمْرَةِ الْعَقَبَةِ .

USC-MSA web (English) reference : Book 20, Hadith 221
Arabic reference : Book 20, Hadith 918

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say "Allah is greater" whenever he threw a pebble while stoning the jamra.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يُكَبِّرُ عِنْدَ رَمْيِ الْجَمْرَةِ كُلَّمَا رَمَى بِحَصَاةٍ . وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ سَمِعَ بَعْضَ أَهْلِ الْعِلْمِ يَقُولُ الْحَصَى الَّتِي يُرْمَى بِهَا الْجِمَارُ مِثْلُ حَصَى الْخَذْفِ . قَالَ مَالِكٌ وَأَكْبَرُ مِنْ ذَلِكَ قَلِيلاً أَعْجَبُ إِلَىَّ .

USC-MSA web (English) reference : Book 20, Hadith 222
Arabic reference : Book 20, Hadith 919

Yahya related to me from Malik that he had heard some of the people of knowledge saying, "The pebbles used for stoning the jamras should be like the stones used as slingshot."

Malik said, "I like it better if they are a little larger than that."

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Someone who is at Mina when the sun sets in the middle of the days of tashriq must not leave until he has stoned the jamras on the following day."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ مَنْ غَرَبَتْ لَهُ الشَّمْسُ مِنْ أَوْسَطِ أَيَّامِ التَّشْرِيقِ وَهُوَ بِمِنًى فَلاَ يَنْفِرَنَّ حَتَّى يَرْمِيَ الْجِمَارَ مِنَ الْغَدِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 223
Arabic reference : Book 20, Hadith 920

Yahya related to me from Malik from Abd ar-Rahman ibn Qasim from his father that when people went to stone the jamras they would walk both going there and coming back. The first one to ride was Muawiya ibn Abi Sufyan.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّ النَّاسَ، كَانُوا إِذَا رَمَوُا الْجِمَارَ مَشَوْا ذَاهِبِينَ وَرَاجِعِينَ وَأَوَّلُ مَنْ رَكِبَ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 224
Arabic reference : Book 20, Hadith 921

Yahya related to me from Malik that he asked Abd ar-Rahman ibn Qasim, "From where did Qasim stonethe jamrat al-Aqaba?"and he replied, "From wherever it was possible."

Yahya said that Malik was asked whether some one else could throw the stones for a child or a sick man and he said, "Yes, and a sick man should inquire as to when the stones will be thrown for him and then say the takbir while he is in the place where he is staying, bleeding. If a sick man regains his health during the days of tashriq, he should stone whatever stoning has been done for him and he must offer a sacrificial animal."
Malik said, "I do not consider that someone who stones the jamras or does say between Safa and Marwa without being in wudu has to repeat anything, but he should not make a general practice of it."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ عَبْدَ الرَّحْمَنِ بْنَ الْقَاسِمِ مِنْ أَيْنَ كَانَ الْقَاسِمُ يَرْمِي جَمْرَةَ الْعَقَبَةِ فَقَالَ مِنْ حَيْثُ تَيَسَّرَ ‏.‏ قَالَ يَحْيَى سُئِلَ مَالِكٌ هَلْ يُرْمَى عَنِ الصَّبِيِّ وَالْمَرِيضِ فَقَالَ نَعَمْ وَيَتَحَرَّى الْمَرِيضُ حِينَ يُرْمَى عَنْهُ فَيُكَبِّرُ وَهُوَ فِي مَنْزِلِهِ وَيُهَرِيقُ دَمًا فَإِنْ صَحَّ الْمَرِيضُ فِي أَيَّامِ التَّشْرِيقِ رَمَى الَّذِي رُمِيَ عَنْهُ وَأَهْدَى وُجُوبًا ‏.‏ قَالَ مَالِكٌ لاَ أَرَى عَلَى الَّذِي يَرْمِي الْجِمَارَ أَوْ يَسْعَى بَيْنَ الصَّفَا وَالْمَرْوَةِ وَهُوَ غَيْرُ مُتَوَضِّئٍ إِعَادَةً وَلَكِنْ لاَ يَتَعَمَّدُ ذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 225
Arabic reference : Book 20, Hadith 922

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "The jamras should not be stoned during the three days until after the sun has passed the meridian."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ لاَ تُرْمَى الْجِمَارُ فِي الأَيَّامِ الثَّلاَثَةِ حَتَّى تَزُولَ الشَّمْسُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 226
Arabic reference : Book 20, Hadith 923

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazm from his father that Abu'l-Baddah ibn Asim ibn Adi told him from his father that the Messenger of Allah, may Allah bless him and grant him peace, allowed the

camel-herders to spend the night outside of Mina, and they threw the stones (once) on the day of sacrifice, and (once) for the following day and the day after that, and (once) on the day when they left Mina.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، عَنْ أَبِيهِ، أَنَّ أَبَا الْبَدَّاحِ بْنَ عَاصِمِ بْنِ عَدِيٍّ، أَخْبَرَهُ عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَرْخَصَ لِرِعَاءِ الإِبِلِ فِي الْبَيْتُوتَةِ خَارِجِينَ عَنْ مِنًى يَرْمُونَ يَوْمَ النَّحْرِ ثُمَّ يَرْمُونَ الْغَدَ وَمِنْ بَعْدِ الْغَدِ لِيَوْمَيْنِ ثُمَّ يَرْمُونَ يَوْمَ النَّفْرِ .

USC-MSA web (English) reference : Book 20, Hadith 227
Arabic reference : Book 20, Hadith 924

Yahya related to me from Malik that

Yahya ibn Said heard Ata ibn Abi Rabah mentioning that the camel-herders were allowed to throw the stones at night, and saying that this was in the early period (of Islam).
Malik said, "The explanation of the hadith where the Messenger of Allah, may Allah bless him and grant him peace, allowed the camel-herders to delay the stoning of the jamras is, in our view, and Allah knows best, that they threw stones on the day of sacrifice, and then threw again two days later, which was the first possible day for leaving, and this throwing was for the day which had passed. They then threw again for the day itself, because it is only possible for someone to make up for something which is obligatory for him, and when something obligatory passes someone by (without him doing it) he must necessarily make it up afterwards (and not beforehand). So (in the case of the camel-herders), if it seemed appropriate for them to leave that day, they would have done all that they were supposed to do, and if they were to stay until the following day, they would throw stones with everybody else on the second and last day for leaving, and then leave."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، أَنَّهُ سَمِعَهُ يَذْكُرُ، أَنَّهُ أُرْخِصَ لِلرِّعَاءِ أَنْ يَرْمُوا، بِاللَّيْلِ يَقُولُ فِي الزَّمَانِ الأَوَّلِ . قَالَ مَالِكٌ تَفْسِيرُ الْحَدِيثِ الَّذِي أَرْخَصَ فِيهِ رَسُولُ اللَّهِ صلى الله عليه وسلم لِرِعَاءِ الإِبِلِ فِي تَأْخِيرِ رَمْىِ الْجِمَارِ فِيمَا نُرَى - وَاللَّهُ أَعْلَمُ - أَنَّهُمْ يَرْمُونَ يَوْمَ النَّحْرِ فَإِذَا مَضَى الْيَوْمُ الَّذِي يَلِي يَوْمَ النَّحْرِ رَمَوْا مِنَ الْغَدِ وَذَلِكَ يَوْمُ النَّفْرِ الأَوَّلِ فَيَرْمُونَ لِلْيَوْمِ الَّذِي مَضَى ثُمَّ يَرْمُونَ لِيَوْمِهِمْ ذَلِكَ لأَنَّهُ لاَ يَقْضِي أَحَدٌ شَيْئًا حَتَّى يَجِبَ عَلَيْهِ فَإِذَا وَجَبَ عَلَيْهِ وَمَضَى كَانَ الْقَضَاءُ بَعْدَ ذَلِكَ فَإِنْ بَدَا لَهُمُ النَّفْرُ فَقَدْ فَرَغُوا وَإِنْ أَقَامُوا إِلَى الْغَدِ رَمَوْا مَعَ النَّاسِ يَوْمَ النَّفْرِ الآخِرِ وَنَفَرُوا .

USC-MSA web (English) reference : Book 20, Hadith 228
Arabic reference : Book 20, Hadith 925

Yahya related to me from Malik from Abu Bakr ibn Nafi from his father that the daughter of one of Safiyya bint Abi Ubayd's brothers was bleeding after she had given birth to a child at Muzdalifa. She and Safiyya were delayed and did not arrive at Mina until after the sun had set on the day of sacrifice. Abdullah ibn Umar told them both to stone the jamra at the time they arrived and he did not think that they owed anything.

Yahya said that Malik was asked about some one who forgot to stone one of the jamras on one of the days of Mina until it was evening and he said, "He should throw the stones at whatever time of day or night he remembers, just as he would pray the prayer if he forgot it and then remembered it at any time of day or night. If he remembers (that he has not done the stoning) after he has returned to Makka, or after he has left, he must sacrifice an animal."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي بَكْرِ بْنِ نَافِعٍ، عَنْ أَبِيهِ، أَنَّ ابْنَةَ أَخٍ، لِصَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ نُفِسَتْ بِالْمُزْدَلِفَةِ فَتَخَلَّفَتْ هِيَ وَصَفِيَّةُ حَتَّى أَتَتَا مِنًى بَعْدَ أَنْ غَرَبَتِ الشَّمْسُ مِنْ يَوْمِ النَّحْرِ فَأَمَرَهُمَا عَبْدُ اللَّهِ بْنُ عُمَرَ أَنْ تَرْمِيَا الْجَمْرَةَ حِينَ أَتَتَا وَلَمْ يَرَ عَلَيْهِمَا شَيْئًا .

قَالَ يَحْيَى سُئِلَ مَالِكٌ عَمَّنْ نَسِيَ جَمْرَةً مِنَ الْجِمَارِ فِي بَعْضِ أَيَّامِ مِنًى حَتَّى يُمْسِيَ قَالَ لِيَرْمِ أَىَّ سَاعَةٍ ذَكَرَ مِنْ لَيْلٍ أَوْ نَهَارٍ كَمَا يُصَلِّي الصَّلاَةَ إِذَا نَسِيَهَا ثُمَّ ذَكَرَهَا لَيْلاً أَوْ نَهَارًا فَإِنْ كَانَ ذَلِكَ بَعْدَ مَا صَدَرَ وَهُوَ بِمَكَّةَ أَوْ بَعْدَ مَا يَخْرُجُ مِنْهَا فَعَلَيْهِ الْهَدْىُ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 229
Arabic reference : Book 20, Hadith 926

Yahya related to me from Malik from Nafi and Abdullah ibn Dinar from Abdullah ibn Umar that Umar ibn al-Khattab gave a khutba to the people at Arafa and taught them the conduct of the hajj, and one of the things he said to them in his speech was, "When you get to Mina and have stoned the jamra then whatever is haram for someone doing the hajj becomes halal, except women and scent. No-one should touch women or scent until he has done tawaf of the House."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، وَعَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، خَطَبَ النَّاسَ بِعَرَفَةَ وَعَلَّمَهُمْ أَمْرَ الْحَجِّ وَقَالَ لَهُمْ فِيمَا قَالَ إِذَا جِئْتُمْ مِنًى فَمَنْ رَمَى الْجَمْرَةَ فَقَدْ حَلَّ لَهُ مَا حَرُمَ عَلَى الْحَاجِّ إِلاَّ النِّسَاءَ وَالطِّيبَ لاَ يَمَسَّ أَحَدٌ نِسَاءً وَلاَ طِيبًا حَتَّى يَطُوفَ بِالْبَيْتِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 230
Arabic reference : Book 20, Hadith 927

Yahya related to me from Malik from Nafi and Abdullah ibn Dinar from Abdullah ibn Umar that Umar ibn al-Khattab said, "When someone has stoned the jamra and shaved his head or cut off some of his hair and sacrificed an animal, whatever was haram for him becomes halal, except women and scent, (which remain haram for him) until he has done tawaf of the House."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، وَعَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَنْ رَمَى الْجَمْرَةَ ثُمَّ حَلَقَ أَوْ قَصَّرَ وَنَحَرَ هَدْيًا - إِنْ كَانَ مَعَهُ - فَقَدْ حَلَّ لَهُ مَا حَرُمَ عَلَيْهِ إِلاَّ النِّسَاءَ وَالطِّيبَ حَتَّى يَطُوفَ بِالْبَيْتِ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 231
Arabic reference : Book 20, Hadith 928

Yahya related to me from Abd ar-Rahman ibn al-Qasim, from his father that A'isha, umm al-muminin, said, "We set out with the Messenger of Allah, may Allah bless him and grant him peace, in the year of the farewell hajj and we went into ihram for umra. Afterwards, the Messenger of Allah, may Allah bless him and grant him peace, said, 'Whoever has a sacrificial animal with him should go into ihram for hajj and umra together, and he should not leave ihram without leaving ihram for both of them at the same time.' "

She continued "I was menstruating when I got to Makka, so I did not do tawaf of the House or say between Safa and Marwa. I complained to the Messenger of Allah, may Allah bless him and grant him peace, and he said, 'Undo your hair and comb it and leave the umra and go back into ihram for the hajj.' "
She said, "I did so, and when we had completed the hajj, the Messenger of Allah, may Allah bless him and grant him peace, sent me with Abd ar-Rahman ibn Abi Bakr as-Siddiq to at-Tanim and I performed an umra and he said, 'This is in place of your umra.' "
"Those who had entered ihram for the umra did tawaf of the House and say between Safa and Marwa, then left ihram. Then they did another tawaf after returning from Mina for their hajj, whereas those who entered ihram for the hajj or combined the hajj and the umra, only did one tawaf."
Yahya related the same as that to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr from A'isha.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا قَالَتْ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ حَجَّةِ الْوَدَاعِ فَأَهْلَلْنَا بِعُمْرَةٍ ثُمَّ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَنْ كَانَ مَعَهُ هَدْىٌ فَلْيُهْلِلْ بِالْحَجِّ مَعَ الْعُمْرَةِ ثُمَّ لاَ يَحِلُّ حَتَّى يَحِلَّ مِنْهُمَا جَمِيعًا " . قَالَتْ فَقَدِمْتُ مَكَّةَ وَأَنَا حَائِضٌ فَلَمْ أَطُفْ بِالْبَيْتِ وَلاَ بَيْنَ الصَّفَا وَالْمَرْوَةِ فَشَكَوْتُ ذَلِكَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ " انْقُضِي رَأْسَكِ وَامْتَشِطِي وَأَهِلِّي بِالْحَجِّ وَدَعِي الْعُمْرَةَ " . قَالَتْ فَفَعَلْتُ فَلَمَّا قَضَيْنَا الْحَجَّ أَرْسَلَنِي رَسُولُ اللَّهِ صلى الله عليه وسلم مَعَ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ إِلَى التَّنْعِيمِ فَاعْتَمَرْتُ فَقَالَ " هَذَا مَكَانُ عُمْرَتِكِ " . فَطَافَ الَّذِينَ أَهَلُّوا بِالْعُمْرَةِ بِالْبَيْتِ وَبَيْنَ الصَّفَا وَالْمَرْوَةِ ثُمَّ حَلُّوا مِنْهَا ثُمَّ طَافُوا طَوَافًا آخَرَ بَعْدَ أَنْ رَجَعُوا مِنْ مِنًى لِحَجِّهِمْ وَأَمَّا الَّذِينَ كَانُوا أَهَلُّوا بِالْحَجِّ أَوْ جَمَعُوا الْحَجَّ وَالْعُمْرَةَ فَإِنَّمَا طَافُوا طَوَافًا وَاحِدًا .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، بِمِثْلِ ذَلِكَ .

USC-MSA web (English) reference : Book 20, Hadith 232
Arabic reference : Book 20, Hadith 929

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha said, "I came to Makka at the time of my period so I did not do tawaf of the House or go between Safa and Marwa. I complained to the Messenger of Allah, may Allah bless him and grant him peace, and he said, 'Do what the people doing hajj do except do not do tawaf of the House and go between Safa and Marwa until you are pure.' "

Malik said, concerning a woman who entered ihram for umra at the time of hajj, and she arrived in Makka during her period and so could not do tawaf of the House, "When she fears that the time (for hajj) is getting close, she gets into ihram for the hajj and sacrifices an animal. She is like someone who combines the hajj and the umra. One tawaf is enough for her. If a women starts her period after she has already done tawaf of the House and prayed, she does say between Safa and Marwa and stops at Arafa and Muzdalifa and stones the jamras but she does not do the tawaf al-ifada until she is pure and has finished her menses."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، أَنَّهَا قَالَتْ قَدِمْتُ مَكَّةَ وَأَنَا حَائِضٌ، فَلَمْ أَطُفْ بِالْبَيْتِ وَلاَ بَيْنَ الصَّفَا وَالْمَرْوَةِ فَشَكَوْتُ ذَلِكَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ " افْعَلِي مَا يَفْعَلُ الْحَاجُّ غَيْرَ أَنْ لاَ تَطُوفِي بِالْبَيْتِ وَلاَ بَيْنَ الصَّفَا وَالْمَرْوَةِ حَتَّى تَطْهُرِي " .

USC-MSA web (English) reference : Book 20, Hadith 233
Arabic reference : Book 20, Hadith 931

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father from A'isha umm al-muminin that Safiyya bint Huyy began menstruating and so she mentioned it to the Messenger of Allah, may Allah bless him and grant him peace, and he asked, "Will she delay us?" and he was told, "She has already done the tawaf al-ifada," and he said, "Then she will not delay us. "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّ صَفِيَّةَ بِنْتَ حُيَىٍّ، حَاضَتْ فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ صلى الله عليه وسلم فَقَالَ " أَحَابِسَتُنَا هِيَ " . فَقِيلَ إِنَّهَا قَدْ أَفَاضَتْ . فَقَالَ " فَلاَ إِذًا " .

USC-MSA web (English) reference : Book 20, Hadith 234
Arabic reference : Book 20, Hadith 932

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazm from his father from Amra bint Abd ar-Rahman that A'isha umm al- muminin said to the Messenger of Allah, may Allah bless him and grant him peace, "Messenger of Allah, Safiyya bint Huyy has begun her period," and the Messenger of Allah, may Allah bless him and grant him peace, said, "Perhaps she will delay us. Has she done tawaf of the House with you?" They said, "Of course." He said, "So you are free to leave."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، عَنْ أَبِيهِ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا قَالَتْ لِرَسُولِ اللَّهِ صلى الله عليه وسلم يَا رَسُولَ اللَّهِ إِنَّ صَفِيَّةَ بِنْتَ حُيَىٍّ قَدْ حَاضَتْ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لَعَلَّهَا تَحْبِسُنَا أَلَمْ تَكُنْ طَافَتْ مَعَكُنَّ بِالْبَيْتِ " . قُلْنَ بَلَى . قَالَ " فَاخْرُجْنَ " .

USC-MSA web (English) reference : Book 20, Hadith 235
Arabic reference : Book 20, Hadith 933

Yahya related to me from Malik from AbuRijal Muhammad ibn Abd ar- Rahman from Amra bint Abd ar-Rahman that when A'isha umm al-muminin was doing hajj with women who were expecting their periods, she would hurry them to do the tawaf al-ifada on the Day of Sacrifice. If they started to menstruate after the tawaf al-ifada she did not stop for them but left with them while they were menstruating.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الرِّجَالِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، . أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ، كَانَتْ إِذَا حَجَّتْ وَمَعَهَا نِسَاءٌ تَخَافُ أَنْ يَحِضْنَ قَدَّمَتْهُنَّ يَوْمَ النَّحْرِ فَأَفَضْنَ فَإِنْ حِضْنَ بَعْدَ ذَلِكَ لَمْ تَنْتَظِرْهُنَّ فَتَنْفِرُ بِهِنَّ - وَهُنَّ حُيَّضٌ - إِذَا كُنَّ قَدْ أَفَضْنَ .

USC-MSA web (English) reference : Book 20, Hadith 236
Arabic reference : Book 20, Hadith 934

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha umm al-muminin that the Messenger of Allah, may Allah bless him and grant him peace, mentioned Safiyya bint Huyy and he was told that she had started her period. The Messenger of Allah, may Allah bless him and grant him peace, said, "Perhaps she will delay us." They said, "Messenger of Allah, she has done tawaf," and the Messenger of Allah, may Allah bless him and grant him peace, said, "Then she will not delay us."

Malik said that Hisham said that Urwa said that A'isha said, "We have publicized that, so why do people make their women stay on to their inconvenience? If it were as they say, more than six thousand menstruating women would still be in Mina in the morning, all of them having already done the tawaf al- ifada.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم ذَكَرَ صَفِيَّةَ بِنْتَ حُيَىٍّ فَقِيلَ لَهُ قَدْ حَاضَتْ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لَعَلَّهَا حَابِسَتُنَا " . فَقَالُوا يَا رَسُولَ اللَّهِ إِنَّهَا قَدْ طَافَتْ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " فَلاَ إِذًا " . قَالَ مَالِكٌ قَالَ هِشَامٌ قَالَ عُرْوَةُ قَالَتْ عَائِشَةُ . وَنَحْنُ نَذْكُرُ ذَلِكَ فَلِمَ يُقَدِّمُ النَّاسُ نِسَاءَهُمْ إِنْ كَانَ ذَلِكَ لاَ يَنْفَعُهُنَّ وَلَوْ كَانَ الَّذِي يَقُولُونَ لأَصْبَحَ بِمِنًى أَكْثَرُ مِنْ سِتَّةِ آلاَفِ امْرَأَةٍ حَائِضٍ كُلُّهُنَّ قَدْ أَفَاضَتْ .

USC-MSA web (English) reference : Book 20, Hadith 237
Arabic reference : Book 20, Hadith 935

Yahya related to me from Malik from Abdullah ibn Abi Bakr from his father that Abu Salama ibn Abd ar-Rahman told him that Umm Sulaym bint Milhan asked the Messenger of Allah, may Allah bless him and grant him peace, for

advice one time when she had begun menstruating, or had given birth to a child after she had done tawaf al-ifada on the Day of Sacrifice. The Messenger of Allah, may Allah bless him and grant him peace, gave her permission to leave.

Malik said, "A woman menstruating at Mina stays until she has done tawaf of the House. There is no escape from that for her. If she has already done the tawaf al-ifada and she starts to menstruate afterwards, she may leave for her country, since permission for the menstruating women to leave has been transmitted to us from the Messenger of Allah, may Allah bless him and grant him peace."
He added, "If a woman starts her period at Mina before she does the tawaf al-ifada, and the period lasts longer than usual, she has to stay longer than the time that bleeding would usually detain women."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ، أَخْبَرَهُ أَنَّ أُمَّ سُلَيْمٍ بِنْتَ مِلْحَانَ اسْتَفْتَتْ رَسُولَ اللَّهِ صلى الله عليه وسلم وَحَاضَتْ - أَوْ وَلَدَتْ - بَعْدَ مَا أَفَاضَتْ يَوْمَ النَّحْرِ فَأَذِنَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم فَخَرَجَتْ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 238
Arabic reference : Book 20, Hadith 936

Yahya related to me from Malik from Abu'z-Zubayr that Umar ibn al-Khattab gave the judgement of a ram for a hyena, a female goat for a gazelle, a she-goat less than one year old for a rabbit, and a four month old kid for a jerboa.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَضَى فِي الضَّبُعِ بِكَبْشٍ وَفِي الْغَزَالِ بِعَنْزٍ وَفِي الأَرْنَبِ بِعَنَاقٍ وَفِي الْيَرْبُوعِ بِجَفْرَةٍ ‏.‏

USC-MSA web (English) reference : Book 20, Hadith 239
Arabic reference : Book 20, Hadith 937

Yahya related to me from Malik from Abd al-Malik ibn Qurayr from Muhammad ibn Sirin that a man came to Umar ibn al-Khattab and said, "I was racing a friend on horseback towards a narrow mountain trail and we killed a gazelle accidently and we were in ihram. What is your opinion?" Umar said to a man by his side, "Come, so that you and I may make an assessment." They decided on a female goat for him, and the man turned away saying, "This amir al-muminin cannot even make an assessment in the case of a gazelle until he calls a man to decide with him." Umar overheard the man's words and called him and asked him, "Do you recite surat al-Ma'ida?" and he said, "No." He said, "Then do you recognize this man who has taken the decision with me?" and he said, "No." He said, "If you had told me that you did recite surat al-Ma'ida, I would have dealt you a blow." Then he said, "Allah the Blessed, the Exalted says in His Book, 'as shall be judged by two men of justice among you, a sacrificial animal to reach the Kaba' (Sura 5 ayat 95), and this is Abd ar-Rahman ibn Awf."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ قُرَيْرٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، أَنَّ رَجُلاً، جَاءَ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ إِنِّي أَجْرَيْتُ أَنَا وَصَاحِبٌ، لِي فَرَسَيْنِ نَسْتَبِقُ إِلَى ثُغْرَةِ ثَنِيَّةٍ فَأَصَبْنَا ظَبْيًا وَنَحْنُ مُحْرِمَانِ فَمَاذَا تَرَى فَقَالَ عُمَرُ لِرَجُلٍ إِلَى جَنْبِهِ تَعَالَ حَتَّى أَحْكُمَ أَنَا وَأَنْتَ ‏.‏ قَالَ فَحَكَمَا عَلَيْهِ بِعَنْزٍ فَوَلَّى الرَّجُلُ وَهُوَ يَقُولُ هَذَا أَمِيرُ الْمُؤْمِنِينَ لاَ يَسْتَطِيعُ أَنْ يَحْكُمَ فِي ظَبْيٍ حَتَّى دَعَا رَجُلاً يَحْكُمُ مَعَهُ ‏.‏ فَسَمِعَ عُمَرُ قَوْلَ الرَّجُلِ فَدَعَاهُ فَسَأَلَهُ هَلْ تَقْرَأُ سُورَةَ الْمَائِدَةِ قَالَ لاَ ‏.‏ قَالَ فَهَلْ تَعْرِفُ هَذَا الرَّجُلَ الَّذِي حَكَمَ مَعِي فَقَالَ لاَ ‏.‏

فَقَالَ لَوْ أَخْبَرْتَنِي أَنَّكَ تَقْرَأُ سُورَةَ الْمَائِدَةِ لأَوْجَعْتُكَ ضَرْبًا ثُمَّ قَالَ إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ فِي كِتَابِهِ {يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِنْكُمْ هَدْيًا بَالِغَ الْكَعْبَةِ} وَهَذَا عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ .

USC-MSA web (English) reference : Book 20, Hadith 240
Arabic reference : Book 20, Hadith 938

Yahya related to me from Malik from Hisham ibn Urwa that his father used to say, "For the female of wild animals a cow is given and for the female of gazelles a sheep."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ أَبَاهُ، كَانَ يَقُولُ فِي الْبَقَرَةِ مِنَ الْوَحْشِ بَقَرَةٌ وَفِي الشَّاةِ مِنَ الظِّبَاءِ شَاةٌ .

USC-MSA web (English) reference : Book 20, Hadith 241
Arabic reference : Book 20, Hadith 939

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab used to say, "For the pigeon of Makka, when it is killed, a sheep is due."

Malik said, that if a man of the people of Makka were to enter ihram for hajj or umra and there was a flock of Makkan pigeons in his house and they were shut in and died, "I think that he should pay for that with a sheep for each bird."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ فِي حَمَامِ مَكَّةَ إِذَا قُتِلَ شَاةٌ . وَقَالَ مَالِكٌ فِي الرَّجُلِ مِنْ أَهْلِ مَكَّةَ يُحْرِمُ بِالْحَجِّ أَوِ الْعُمْرَةِ وَفِي بَيْتِهِ فِرَاخٌ مِنْ حَمَامِ مَكَّةَ فَيُغْلَقُ عَلَيْهَا فَتَمُوتُ فَقَالَ أَرَى بِأَنْ يَفْدِيَ ذَلِكَ عَنْ كُلِّ فَرْخٍ بِشَاةٍ . قَالَ مَالِكٌ لَمْ أَزَلْ أَسْمَعُ أَنَّ فِي النَّعَامَةِ إِذَا قَتَلَهَا الْمُحْرِمُ بَدَنَةً . قَالَ مَالِكٌ أَرَى أَنَّ فِي بَيْضَةِ النَّعَامَةِ عُشْرَ ثَمَنِ الْبَدَنَةِ كَمَا يَكُونُ فِي جَنِينِ الْحُرَّةِ غُرَّةٌ عَبْدٌ أَوْ وَلِيدَةٌ وَقِيمَةُ الْغُرَّةِ خَمْسُونَ دِينَارًا وَذَلِكَ عُشْرُ دِيَةِ أُمِّهِ وَكُلُّ شَىْءٍ مِنَ النُّسُورِ أَوِ الْعِقْبَانِ أَوِ الْبُزَاةِ أَوِ الرَّخَمِ فَإِنَّهُ صَيْدٌ يُودَى كَمَا يُودَى الصَّيْدُ إِذَا قَتَلَهُ الْمُحْرِمُ وَكُلُّ شَىْءٍ فُدِيَ فَفِي صِغَارِهِ مِثْلُ مَا يَكُونُ فِي كِبَارِهِ وَإِنَّمَا مَثَلُ ذَلِكَ مَثَلُ دِيَةِ الْحُرِّ الصَّغِيرِ وَالْكَبِيرِ فَهُمَا بِمَنْزِلَةٍ وَاحِدَةٍ سَوَاءٌ .

USC-MSA web (English) reference : Book 20, Hadith 242
Arabic reference : Book 20, Hadith 940

Malik said, I still hear that when a person in ihram kills an ostrich, a camel is due."

Malik said, "I think that for an ostrich egg, one tenth of the price of a camel is due in the same way that there is a newly-born male or female slave for the unborn child of a free woman. The value of the newly-born slave is fifty dinars, and that is one-tenth of what the blood-money for the mother would be.
"Birds from the eagle family, eagles or falcons or vultures count as game for which a price is paid just as a price is paid for any game which a person in ihram kills. For everything for which a penalty is paid, the assessment is the same, whether the animal is old or young. The analogy of that is that the blood-money for the young and the old freeman, are considered to be the same."

USC-MSA web (English) reference : Book 20, Hadith 243

Yahya related to me from Malik from Zayd ibn Aslam that a man came to Umar ibn al-Khattab and said, "Amir al-muminin, I killed some locusts with my whip when I was in ihram," and Umar said to him, "Give a handful of food."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ رَجُلاً، جَاءَ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ إِنِّي أَصَبْتُ جَرَادَاتٍ بِسَوْطِي وَأَنَا مُحْرِمٌ . فَقَالَ لَهُ عُمَرُ أَطْعِمْ قَبْضَةً مِنْ طَعَامٍ .

USC-MSA web (English) reference : Book 20, Hadith 244
Arabic reference : Book 20, Hadith 941

Yahya related to me from Malik from Yahya ibn Said that a man came to Umar ibn al-Khattab and asked him about some locusts he had killed while he was in ihram. Umar said to Kab, "Come, let's decide." Kab said, "A dirham," and Umar said to Kab, "You can find dirhams. A date is better than a locust."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَجُلاً، جَاءَ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَسَأَلَهُ عَنْ جَرَادَاتٍ، قَتَلَهَا وَهُوَ مُحْرِمٌ فَقَالَ عُمَرُ لِكَعْبٍ تَعَالَ حَتَّى نَحْكُمَ . فَقَالَ كَعْبٌ دِرْهَمٌ . فَقَالَ عُمَرُ لِكَعْبٍ إِنَّكَ لَتَجِدُ الدَّرَاهِمَ لَتَمْرَةٌ خَيْرٌ مِنْ جَرَادَةٍ .

USC-MSA web (English) reference : Book 20, Hadith 245
Arabic reference : Book 20, Hadith 942

Yahya related to me from Malik from Abd al-Karim ibn Malik al- Jazari from Abd ar-Rahman ibn Abi Layla from Kab ibn Ujra that one time he was with the Messenger of Allah, may Allah bless him and grant him peace, in ihram, and he was suffering from lice on his head. The Messenger of Allah, may Allah bless him and grant him peace, told him to shave his head, saying, "Fast three days, or feed six poor people, two mudds for each person, or sacrifice a sheep. If you do any of those it will be enough for you."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الْكَرِيمِ بْنِ مَالِكٍ الْجَزَرِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ كَعْبِ بْنِ عُجْرَةَ، أَنَّهُ كَانَ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم مُحْرِمًا فَآذَاهُ الْقَمْلُ فِي رَأْسِهِ فَأَمَرَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ يَحْلِقَ رَأْسَهُ وَقَالَ " صُمْ ثَلاَثَةَ أَيَّامٍ أَوْ أَطْعِمْ سِتَّةَ مَسَاكِينَ مُدَّيْنِ مُدَّيْنِ لِكُلِّ إِنْسَانٍ أَوِ انْسُكْ بِشَاةٍ أَىَّ ذَلِكَ فَعَلْتَ أَجْزَأَ عَنْكَ " .

USC-MSA web (English) reference : Book 20, Hadith 246
Arabic reference : Book 20, Hadith 943

Yahya related to me from Malik from Humayd bin Qays from Mujahid Abu'l Hajjaj from Ibn Abi Layla from Kab ibn Ujra that the Messenger of Allah, may Allah bless him and grant him peace, said to him, "Perhaps your pests are troubling you?" He replied that indeed they were, and the Messenger of Allah, may Allah bless him and grant him peace, said, "Shave your head and fast three days or feed six poor men or sacrifice a sheep."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدِ بْنِ قَيْسٍ، عَنْ مُجَاهِدٍ أَبِي الْحَجَّاجِ، عَنِ ابْنِ أَبِي لَيْلَى، عَنْ كَعْبِ بْنِ عُجْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ لَهُ " لَعَلَّكَ آذَاكَ هَوَامُّكَ " . فَقُلْتُ نَعَمْ يَا رَسُولَ اللَّهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " احْلِقْ رَأْسَكَ وَصُمْ ثَلاَثَةَ أَيَّامٍ أَوْ أَطْعِمْ سِتَّةَ مَسَاكِينَ أَوِ انْسُكْ بِشَاةٍ " .

USC-MSA web (English) reference : Book 20, Hadith 247
Arabic reference : Book 20, Hadith 944

Yahya related to me from Malik that Ata ibn Abdullah al-Khurasani said that an old man from Suq al-Buram in Kufa had related to him that Kab ibn Ujra said, "The Messenger of Allah, may Allah bless him and grant him peace, came to me while I was blowing under a cooking pot belonging to my companions and my head and beard were full of lice.

He took my forehead and said, 'Shave your hair and fast three days or feed six poor people.' The Messenger of Allah, may Allah bless him and grant him peace, was aware that I did not have anything with me to sacrifice.'"

Malik said, concerning paying compensation (fidya) for the relief of physical discomfort, "The custom concerning it is that no one pays compensation until he has done something which makes it obligatory to pay compensation just as making amends (kaffara) is only done when it has become obligatory for the one who owes it. The person can pay the compensation wherever he wishes, regardless of whether he has to sacrifice an animal or fast or give sadaqa -- in Makka or in any other town."

Malik said, "It is not correct for a person in ihram to pluck out any of his hair or to shave it or cut it until he has left ihram, unless he is suffering from an ailment of the head, in which case he owes the compensation Allah the Exalted has ordered. It is not correct for a person in ihram to cut his nails, or to kill his lice, or to remove them from his head or from his skin or his garment to the ground. If a person in ihram removes lice from his skin or his garment, he must give away the quantity of food that he can scoop up with both hands. "

Malik said,"Anyone who, while in ihram, plucks out hairs from his nose or armpit or rubs his body with a depilatory agent or shaves the hair from around a head wound out of necessity or shaves his neck for the place of the cupping glasses, regardless of whether it is in forgetfulness or in ignorance, owes compensation in all these instances, and he must not shave the place of the cupping glasses. Someone, who, out of ignorance, shaves his head before he stones the jamra. must also pay compensation."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَطَاءِ بْنِ عَبْدِ اللَّهِ الْخُرَاسَانِيِّ، أَنَّهُ قَالَ حَدَّثَنِي شَيْخٌ، بِسُوقِ الْبُرَمِ بِالْكُوفَةِ عَنْ كَعْبِ بْنِ عُجْرَةَ، أَنَّهُ قَالَ جَاءَنِي رَسُولُ اللَّهِ صلى الله عليه وسلم وَأَنَا أَنْفُخُ تَحْتَ قِدْرٍ لأَصْحَابِي وَقَدِ امْتَلأَ رَأْسِي وَلِحْيَتِي قَمْلاً فَأَخَذَ بِجَبْهَتِي ثُمَّ قَالَ " احْلِقْ هَذَا الشَّعَرَ وَصُمْ ثَلاَثَةَ أَيَّامٍ أَوْ أَطْعِمْ سِتَّةَ مَسَاكِينَ " . وَقَدْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَلِمَ أَنَّهُ لَيْسَ عِنْدِي مَا أَنْسُكُ بِهِ .

USC-MSA web (English) reference : Book 20, Hadith 248
Arabic reference : Book 20, Hadith 945

Yahya related to me from Malik from Ayyub ibn Abi Tamima as- Sakhtayani from Said ibn Jubayr that Abdullah ibn Abbas said, "If someone forgets anything of the rituals or omits them intentionally, he must slaughter an animal." Ayyub added "I do not know if he said 'Omits' or 'forgets'."

Malik said, "If it is a hady that has to be slaughtered it may only be done in Makka, but if it is a sacrifice, it may be slaughtered wherever the one who owes the sacrifice prefers."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ أَبِي تَمِيمَةَ السَّخْتِيَانِيِّ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، قَالَ مَنْ نَسِيَ مِنْ نُسُكِهِ شَيْئًا أَوْ تَرَكَهُ فَلْيُهْرِقْ دَمًا . قَالَ أَيُّوبُ لاَ أَدْرِي قَالَ تَرَكَ أَوْ نَسِيَ . قَالَ مَالِكٌ مَا كَانَ مِنْ ذَلِكَ هَدْيًا فَلاَ يَكُونُ إِلاَّ بِمَكَّةَ وَمَا كَانَ مِنْ ذَلِكَ نُسُكًا فَهُوَ يَكُونُ حَيْثُ أَحَبَّ صَاحِبُ النُّسُكِ .

USC-MSA web (English) reference : Book 20, Hadith 249
Arabic reference : Book 20, Hadith 946

Malik said, concerning someone who wishes to wear clothes that a person in ihram must not wear, or cut his hair, or touch perfume without necessity, because he finds it easy to pay the compensation, "No-one must do such things. They are only allowed in cases of necessity, and compensation is owed by whoever does them."

Malik was asked whether the culprit could choose for himself the method of compensation he makes, and he was asked what kind of animal was to be sacrificed, and how much food was to be given, and how many days were to be

fasted, and whether the person could delay any of these, or if they had to be done immediately. He answered, 'Whenever there are alternatives in the Book of Allah for the kaffara, the culprit can choose to do whichever of the alternatives he prefers. As for the sacrifice - a sheep, and as for the fasting - three days. As for the food - feeding six poor men, for every poor man two mudds, by the first mudd, the mudd of the Prophet, may Allah bless him and grant him peace."
Malik said, "I have heard one of the people of knowledge saying, 'When a person in ihram throws something and hits game unintentionally and kills it, he must pay compensation. In the same way, someone outside the Haram who throws anything into the Haram and hits game he did not intend to, killing it, has to pay compensation, because the intentional and the mistaken are in the same position in this matter.' "
Malik said, concerning people who kill game together while they are muhrim or in the Haram, "I think that each one of them owes a full share. If a sacrificial animal is decided for them, each one of them owes one, and if fasting is decided for them, the full fasting is owed by each one of them. The analogy of that is a group of people who kill a man by mistake and the kaffara for that is that each person among them must free a slave or fast two consecutive months."
Malik said, "Anyone who stones or hunts game after stoning the jamra and shaving his head but before he has performed the tawaf al-ifada, owes compensation for that game, because Allah the Blessed, the Exalted said, 'And when you leave ihram, then hunt,' and restrictions still remain for someone who has not done the tawaf al-ifada about touching perfume and women."
Malik said, "The person in ihram does not owe anything for plants he cuts down in the Haram and it has not reached us that anyone has given a decision of anything for it, but O how wrong is what he has done! "
Malik said, concerning some one who was ignorant of, or who forgot the fast of three days in the hajj, or who was ill during them and so did not fast them until he had returned to his community, "He must offer a sacrificial animal (hady) if he can find one and if not he must fast the three days among his people and the remaining seven after that."

USC-MSA web (English) reference : Book 20, Hadith 250

Yahya related to me from Malik from Ibn Shihab from clsa ibn Talha that Abdullah ibn Amr ibn al-As said, "The Messenger of Allah, may Allah bless him and grant him peace, stopped for the people at Mina, and they questioned him and a man came and said to him, 'Messenger of Allah, I was unclear about what to do and I shaved before sacrificing,' and the Messenger of Allah, may Allah bless him and grant him peace, said, 'Sacrifice, and don't worry.' Then another came to him and said 'Messenger of Allah, I was unclear about what to do and I sacrificed before throwing the stones.' He advised, 'Throw, and don't worry.' "

Amr continued, saying that the Messenger of Allah, may Allah bless him and grant him peace, was not asked about anything done before or after without his saying, "Do it, and don't worry."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عِيسَى بْنِ طَلْحَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ، أَنَّهُ قَالَ وَقَفَ رَسُولُ اللَّهِ صلى الله عليه وسلم لِلنَّاسِ بِمِنًى وَالنَّاسُ يَسْأَلُونَهُ فَجَاءَهُ رَجُلٌ فَقَالَ لَهُ يَا رَسُولَ اللَّهِ لَمْ أَشْعُرْ فَحَلَقْتُ قَبْلَ أَنْ أَنْحَرَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " انْحَرْ وَلاَ حَرَجَ " . ثُمَّ جَاءَهُ آخَرُ فَقَالَ يَا رَسُولَ اللَّهِ لَمْ أَشْعُرْ فَنَحَرْتُ قَبْلَ أَنْ أَرْمِيَ قَالَ " ارْمِ وَلاَ حَرَجَ " . قَالَ فَمَا سُئِلَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ شَىْءٍ قُدِّمَ وَلاَ أُخِّرَ إِلاَّ قَالَ " افْعَلْ وَلاَ حَرَجَ " .

USC-MSA web (English) reference : Book 20, Hadith 251
Arabic reference : Book 20, Hadith 947

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that when the Messenger of Allah, may Allah bless him and grant him peace, returned from a military expedition or a hajj or an umra, he used to say three takbirs on every elevated part of the land, and then he used to say, "There is no god but Allah, alone, without partner. To Him belongs the Kingdom and to Him belongs the praise and He has power over everything. Returning, making

tawba, serving, prostrating, praising our Lord. Allah has promised truly and given His slave victory and defeated the tribes alone."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا قَفَلَ مِنْ غَزْوٍ أَوْ حَجٍّ أَوْ عُمْرَةٍ يُكَبِّرُ عَلَى كُلِّ شَرَفٍ مِنَ الأَرْضِ ثَلاَثَ تَكْبِيرَاتٍ ثُمَّ يَقُولُ " لاَ إِلَهَ إِلاَّ اللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَىْءٍ قَدِيرٌ آيِبُونَ تَائِبُونَ عَابِدُونَ سَاجِدُونَ لِرَبِّنَا حَامِدُونَ صَدَقَ اللَّهُ وَعْدَهُ وَنَصَرَ عَبْدَهُ وَهَزَمَ الأَحْزَابَ وَحْدَهُ " .

USC-MSA web (English) reference : Book 20, Hadith 252
Arabic reference : Book 20, Hadith 948

Yahya related to me from Malik from Ibrahim ibn Uqba from Kurayb the mawla of Abdullah ibn Abbas from Ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, passed a woman in a litter and it was said to her, "This is the Messenger of Allah, may Allah bless him and grant him peace," and she took the forearms of a young boy who was with her and said, "Does this one have a hajj, Messenger of Allah?" and he said, "Yes, and you have a reward."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِبْرَاهِيمَ بْنِ عُقْبَةَ، عَنْ كُرَيْبٍ، مَوْلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم مَرَّ بِامْرَأَةٍ وَهِيَ فِي مِحَفَّتِهَا فَقِيلَ لَهَا هَذَا رَسُولُ اللَّهِ صلى الله عليه وسلم فَأَخَذَتْ بِضَبْعَىْ صَبِيٍّ كَانَ مَعَهَا فَقَالَتْ أَلِهَذَا حَجٌّ يَا رَسُولَ اللَّهِ قَالَ " نَعَمْ وَلَكِ أَجْرٌ " .

USC-MSA web (English) reference : Book 20, Hadith 253
Arabic reference : Book 20, Hadith 949

Yahya related to me from Malik from Ibrahim ibn Abi Abla from Talha ibn Ubaydullah ibn Kariyz that the Messenger of Allah, may Allah bless him and grant him peace, said, "Shaytan is not considered more abased or more cast out or more contemptible or more angry on any day than on the Day of Arafa. That is only because he sees the descent of the Mercy and Allah's disregard for great wrong actions. That is except from what he was shown on the Day of Badr." Someone said, "What was he shown on the Day of Badr, Messenger of Allah?" He said, "Didn't he see Jibril arranging the ranks of the angels?"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِبْرَاهِيمَ بْنِ أَبِي عَبْلَةَ، عَنْ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ بْنِ كَرِيزٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَا رُئِيَ الشَّيْطَانُ يَوْمًا هُوَ فِيهِ أَصْغَرُ وَلاَ أَدْحَرُ وَلاَ أَحْقَرُ وَلاَ أَغْيَظُ مِنْهُ فِي يَوْمِ عَرَفَةَ وَمَا ذَاكَ إِلاَّ لِمَا رَأَى مِنْ تَنَزُّلِ الرَّحْمَةِ وَتَجَاوُزِ اللَّهِ عَنِ الذُّنُوبِ الْعِظَامِ إِلاَّ مَا أُرِيَ يَوْمَ بَدْرٍ " . قِيلَ وَمَا رَأَى يَوْمَ بَدْرٍ يَا رَسُولَ اللَّهِ قَالَ " أَمَا إِنَّهُ قَدْ رَأَى جِبْرِيلَ يَزَعُ الْمَلاَئِكَةَ " .

USC-MSA web (English) reference : Book 20, Hadith 254
Arabic reference : Book 20, Hadith 950

Yahya related to me from Malik from Zihad ibn Abi Ziyad the mawla of Abdullah ibn Ayyash ibn Abi Rabia from Talha ibn Ubaydullah ibn Kariyz that the Messenger of Allah, may Allah bless him and grant him peace, said, "The most excellent dua is the dua on the Day of Arafa, and the best of what I and the prophets before me have said, is 'There is no god but Allah, alone, without partner.'"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زِيَادِ بْنِ أَبِي زِيَادٍ، مَوْلَى عَبْدِ اللَّهِ بْنِ عَيَّاشِ بْنِ أَبِي رَبِيعَةَ عَنْ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ بْنِ كَرِيزٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَفْضَلُ الدُّعَاءِ دُعَاءُ يَوْمِ عَرَفَةَ وَأَفْضَلُ مَا قُلْتُ أَنَا وَالنَّبِيُّونَ مِنْ قَبْلِي لاَ إِلَهَ إِلاَّ اللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ " .

USC-MSA web (English) reference : Book 20, Hadith 255
Arabic reference : Book 20, Hadith 951

Yahya related to me from Malik from Ibn Shihab from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, entered Makka, in the Year of Victory, wearing a helmet, and when he took it off a man came to him and said, "Messenger of Allah, Ibn Khatal is clinging to the covers of the Kaba," and the Messenger of Allah, may Allah bless him and grant him peace, said, "Kill him."

Malik commented, "The Messenger of Allah, may Allah bless him and grant him peace, was not in ihram at the time, and Allah knows best."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم دَخَلَ مَكَّةَ عَامَ الْفَتْحِ وَعَلَى رَأْسِهِ الْمِغْفَرُ فَلَمَّا نَزَعَهُ جَاءَهُ رَجُلٌ فَقَالَ لَهُ يَا رَسُولَ اللَّهِ ابْنُ خَطَلٍ مُتَعَلِّقٌ بِأَسْتَارِ الْكَعْبَةِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اقْتُلُوهُ " .

USC-MSA web (English) reference : Book 20, Hadith 256
Arabic reference : Book 20, Hadith 952

Yahya related to me from Malik from Nafi that Abdullah ibn Umar was coming from Makka and when he was at Qudayd, news came to him from Madina and he returned and entered Makka without ihram.

Yahya related the same as that to me from Malik from Ibn Shihab.
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، أَقْبَلَ مِنْ مَكَّةَ حَتَّى إِذَا كَانَ بِقُدَيْدٍ جَاءَهُ خَبَرٌ مِنَ الْمَدِينَةِ فَرَجَعَ فَدَخَلَ مَكَّةَ بِغَيْرِ إِحْرَامٍ .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، بِمِثْلِ ذَلِكَ .

USC-MSA web (English) reference : Book 20, Hadith 257
Arabic reference : Book 20, Hadith 953

Yahya related to me from Malik from Muhammad ibn Amr ibn Halhala ad-Dili from Muhammad ibn lmran al-Ansari that his father said that Abdullah ibn Umar came upon him while he stopped for a rest under a tall tree on the road to Makka, and he said, "What has made you stop under this tall tree?" He replied that he sought it's shade. Abdullah ibn Umar said, "Anything besides that?" and he said, "No, that was the only. reason he stopped for a rest," and Abdullah ibn Umar said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'If you are between al-Akhshabayn (which are two mountains) near Mina,' indicating the east with his outspread hand, 'you will find a valley called as-Surar with a tree in it beneath which the umbilical cords of seventy prophets have been cut.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَلْحَلَةَ الدِّيلِيِّ، عَنْ مُحَمَّدِ بْنِ عِمْرَانَ الأَنْصَارِيِّ، عَنْ أَبِيهِ، أَنَّهُ قَالَ عَدَلَ إِلَىَّ عَبْدُ اللَّهِ بْنُ عُمَرَ وَأَنَا نَازِلٌ، تَحْتَ سَرْحَةٍ بِطَرِيقِ مَكَّةَ فَقَالَ مَا أَنْزَلَكَ تَحْتَ هَذِهِ السَّرْحَةِ فَقُلْتُ أَرَدْتُ ظِلَّهَا . فَقَالَ هَلْ غَيْرُ ذَلِكَ

فَقُلْتُ لاَ مَا أَنْزَلَنِي إِلاَّ ذَلِكَ . فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِذَا كُنْتَ بَيْنَ الأَخْشَبَيْنِ مِنْ مِنًى - وَنَفَخَ بِيَدِهِ نَحْوَ الْمَشْرِقِ - فَإِنَّ هُنَاكَ وَادِيًا يُقَالُ لَهُ السُّرَرُ بِهِ شَجَرَةٌ سُرَّ تَحْتَهَا سَبْعُونَ نَبِيًّا " .

USC-MSA web (English) reference : Book 20, Hadith 258
Arabic reference : Book 20, Hadith 955

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazm from Ibn

Abi Mulayka that Umar ibn al-Khattab passed a leprous woman doing tawaf of the House, and he said to her, "Slave of Allah, do not make people uneasy. Better that you stay in your house," so she did so. A man passed by her after that and said to her, "The one who forbade you has died, so come out," and she replied, "I am not going to obey him when he is alive and disobey him when he is dead."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، مَرَّ بِامْرَأَةٍ مَجْذُومَةٍ وَهِيَ تَطُوفُ بِالْبَيْتِ فَقَالَ لَهَا يَا أَمَةَ اللَّهِ لاَ تُؤْذِي النَّاسَ لَوْ جَلَسْتِ فِي بَيْتِكِ . فَجَلَسَتْ فَمَرَّ بِهَا رَجُلٌ بَعْدَ ذَلِكَ فَقَالَ لَهَا إِنَّ الَّذِي كَانَ قَدْ نَهَاكِ قَدْ مَاتَ فَاخْرُجِي . فَقَالَتْ مَا كُنْتُ لأُطِيعَهُ حَيًّا وَأَعْصِيَهُ مَيِّتًا .

USC-MSA web (English) reference : Book 20, Hadith 259
Arabic reference : Book 20, Hadith 956

Yahya related to me from Malik that he had heard that Abdullah ibn Abbas used to say that the area between the corner of the Black Stone and the door of the Kaba was called al-Multazam.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، كَانَ يَقُولُ مَا بَيْنَ الرُّكْنِ وَالْبَابِ الْمُلْتَزَمُ .

USC-MSA web (English) reference : Book 20, Hadith 260
Arabic reference : Book 20, Hadith 957

Yahya related to me from Malik that Yahya ibn Said heard Muhammad ibn Yahya ibn Habban mentioning that a certain man passed Abu Dharr at ar-Rabadha (which was about 30 miles from Madina) and Abu Dharr asked him, "Where are you heading to?" and he replied, "I am intending to do hajj." Abu Dharr questioned, "Has anything else brought you out?" and he said, "No," so Abu Dharr said "Resume what you are doing wholeheartedly."

The man related, "I went on till I came to Makka and I stayed as long as Allah willed. Suddenly, one time, I was with a crowd of people thronging about a man and I pushed through the people to him and it was the old man that I had come across at ar- Rabadha. When he saw me, he recognized me and said, 'Ah, you have done what I told you.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، أَنَّهُ سَمِعَهُ يَذْكُرُ، أَنَّ رَجُلاً، مَرَّ عَلَى أَبِي ذَرٍّ بِالرَّبَذَةِ وَأَنَّ أَبَا ذَرٍّ سَأَلَهُ أَيْنَ تُرِيدُ فَقَالَ أَرَدْتُ الْحَجَّ . فَقَالَ هَلْ نَزَعَكَ غَيْرُهُ فَقَالَ لاَ . قَالَ فَأْتَنِفِ الْعَمَلَ . قَالَ الرَّجُلُ فَخَرَجْتُ حَتَّى قَدِمْتُ مَكَّةَ فَمَكَثْتُ مَا شَاءَ اللَّهُ ثُمَّ إِذَا أَنَا بِالنَّاسِ مُنْقَصِفِينَ عَلَى رَجُلٍ فَضَاغَطْتُ عَلَيْهِ النَّاسَ فَإِذَا أَنَا بِالشَّيْخِ الَّذِي وَجَدْتُ بِالرَّبَذَةِ يَعْنِي أَبَا ذَرٍّ قَالَ فَلَمَّا رَآنِي عَرَفَنِي فَقَالَ هُوَ الَّذِي حَدَّثْتُكَ .

USC-MSA web (English) reference : Book 20, Hadith 261
Arabic reference : Book 20, Hadith 958

Yahya related to me from Malik that he asked Ibn Shihab about making a condition in the hajj that one could leave ihram at any place where an obstacle befell one and he said, "Does anyone do that?' and disapproved of it.

Malik was asked whether a man could cut plants from the Haram for his mount, and he said, "No."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنْ الاِسْتِثْنَاءِ، فِي الْحَجِّ فَقَالَ أَوَيَصْنَعُ ذَلِكَ أَحَدٌ وَأَنْكَرَ ذَلِكَ . سُئِلَ مَالِكٌ هَلْ يَحْتَشُّ الرَّجُلُ لِدَابَّتِهِ مِنَ الْحَرَمِ فَقَالَ لاَ .

USC-MSA web (English) reference : Book 20, Hadith 262
Arabic reference : Book 20, Hadith 959

Malik said, concerning a woman who had never been on hajj, "If she doesn't have a mahram, or if she has, but he cannot come with her, she does not abandon Allah's making of the hajj obligatory for her. Let her go in a group of women."

USC-MSA web (English) reference : Book 20, Hadith 263

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr that A'isha umm al-muminin used to say, "Someone performing hajj at-tamattu who does not have a sacrificial animal fasts (three days) from the time he enters ihram for the hajj till the Day of Arafa, and if he does not fast then, he fasts the days of Mina."

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Umar used to say the same concerning that, as the words of A'isha, may Allah the Exalted be pleased with her.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا كَانَتْ تَقُولُ الصِّيَامُ لِمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ لِمَنْ لَمْ يَجِدْ هَدْيًا مَا بَيْنَ أَنْ يُهِلَّ بِالْحَجِّ إِلَى يَوْمِ عَرَفَةَ فَإِنْ لَمْ يَصُمْ صَامَ أَيَّامَ مِنًى .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ فِي ذَلِكَ مِثْلَ قَوْلِ عَائِشَةَ رضى الله تعالى عنها .

USC-MSA web (English) reference : Book 20, Hadith 264
Arabic reference : Book 20, Hadith 960

21 - Jihad كتاب الجهاد

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said "Someone who does jihad in the way of Allah is like someone who fasts and prays constantly and who does not slacken from his prayer and fasting until he returns."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَثَلُ الْمُجَاهِدِ فِي سَبِيلِ اللَّهِ كَمَثَلِ الصَّائِمِ الْقَائِمِ الدَّائِمِ الَّذِي لاَ يَفْتُرُ مِنْ صَلاَةٍ وَلاَ صِيَامٍ حَتَّى يَرْجِعَ " .

USC-MSA web (English) reference : Book 21, Hadith 1
Arabic reference : Book 21, Hadith 962

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Allah guarantees either the Garden or a safe return to his home with whatever he has obtained of reward or booty, for the one who does jihad in His way, if it is solely jihad and trust in his promise that brings him out of his house."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " تَكَفَّلَ اللَّهُ لِمَنْ جَاهَدَ فِي سَبِيلِهِ - لاَ يُخْرِجُهُ مِنْ بَيْتِهِ إِلاَّ الْجِهَادُ فِي سَبِيلِهِ وَتَصْدِيقُ كَلِمَاتِهِ - أَنْ يُدْخِلَهُ الْجَنَّةَ أَوْ يَرُدَّهُ إِلَى مَسْكَنِهِ الَّذِي خَرَجَ مِنْهُ مَعَ مَا نَالَ مِنْ أَجْرٍ أَوْ غَنِيمَةٍ " .

USC-MSA web (English) reference : Book 21, Hadith 2
Arabic reference : Book 21, Hadith 963

Yahya related to me from Malik from Zayd ibn Aslam from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Horses are a reward for one man, a protection for another, a burden for another. The one who has them as a reward is the one who dedicates them for use in the way of Allah, and tethers them in a meadow or grassland. Whatever the horse enjoys of the grassland or meadow in the length of its tether are good deeds for him. If it breaks its tether and goes over a hillock or two, its tracks and droppings are good deeds for him. If it crosses a river and drinks from it while he did not mean to allow it to drink it, that counts as good deeds for him, and the horse is a reward for him.

Another man uses his horse to gain self reliance and up- standingness and does not forget Allah's right on their necks and backs (i.e. he does not ill treat or over-work them). Horses are a protection for him .
Another man uses them out of pride to show them off and in hostility to the people of Islam. They are a burden on that man."
The Messenger of Allah, may Allah bless him and grant him peace, was asked about donkeys, and he said, "Nothing has been revealed to me about them except this single all- inclusive ayat, 'Whoever does an atom of good will see it, and whoever does an atom of evil, will see it.' " (Sura 99 Ayats 7,8) .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الْخَيْلُ لِرَجُلٍ أَجْرٌ وَلِرَجُلٍ سِتْرٌ وَعَلَى رَجُلٍ وِزْرٌ فَأَمَّا الَّذِي هِيَ لَهُ أَجْرٌ فَرَجُلٌ رَبَطَهَا فِي سَبِيلِ اللَّهِ فَأَطَالَ لَهَا فِي مَرْجٍ أَوْ رَوْضَةٍ فَمَا أَصَابَتْ فِي طِيَلِهَا ذَلِكَ مِنَ الْمَرْجِ أَوِ الرَّوْضَةِ كَانَ لَهُ حَسَنَاتٌ وَلَوْ أَنَّهَا قَطَعَتْ طِيَلَهَا ذَلِكَ فَاسْتَنَّتْ شَرَفًا أَوْ شَرَفَيْنِ كَانَتْ آثَارُهَا وَأَرْوَاثُهَا

حَسَنَاتٍ لَهُ وَلَوْ أَنَّهَا مَرَّتْ بِنَهَرٍ فَشَرِبَتْ مِنْهُ وَلَمْ يُرِدْ أَنْ يَسْقِيَ بِهِ كَانَ ذَلِكَ لَهُ حَسَنَاتٍ فَهِيَ لَهُ أَجْرٌ وَرَجُلٌ رَبَطَهَا تَغَنِّيًا وَتَعَفُّفًا وَلَمْ يَنْسَ حَقَّ اللَّهِ فِي رِقَابِهَا وَلاَ فِي ظُهُورِهَا فَهِيَ لِذَلِكَ سِتْرٌ وَرَجُلٌ رَبَطَهَا فَخْرًا وَرِيَاءً وَنِوَاءً لأَهْلِ الإِسْلاَمِ فَهِيَ عَلَى ذَلِكَ وِزْرٌ " . وَسُئِلَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَنِ الْحُمُرِ فَقَالَ " لَمْ يَنْزِلْ عَلَىَّ فِيهَا شَىْءٌ إِلاَّ هَذِهِ الآيَةُ الْجَامِعَةُ الْفَاذَّةُ {فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ }.

USC-MSA web (English) reference : Book 21, Hadith 3
Arabic reference : Book 21, Hadith 964

Yahya related to me from Abdullah ibn Abd ar-Rahman ibn Mamar al- Ansari that Ata ibn Yasar said that the Messenger of Allah, may Allah bless him and grant him peace, said, "Shall I tell you who has the best degree among people? A man who takes the rein of his horse to do jihad in the way of Allah. Shall I tell you who has the best degree among people after him? A man who lives alone with a few sheep, performs the prayer, pays the zakat, and worships Allah without associating anything with him."

وَحَدَّثَنِي عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ مَعْمَرٍ الأَنْصَارِيِّ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَلاَ أُخْبِرُكُمْ بِخَيْرِ النَّاسِ مَنْزِلاً رَجُلٌ آخِذٌ بِعِنَانِ فَرَسِهِ يُجَاهِدُ فِي سَبِيلِ اللَّهِ أَلاَ أُخْبِرُكُمْ بِخَيْرِ النَّاسِ مَنْزِلاً بَعْدَهُ رَجُلٌ مُعْتَزِلٌ فِي غُنَيْمَتِهِ يُقِيمُ الصَّلاَةَ وَيُؤْتِي الزَّكَاةَ وَيَعْبُدُ اللَّهَ لاَ يُشْرِكُ بِهِ شَيْئًا " .

USC-MSA web (English) reference : Book 21, Hadith 4
Arabic reference : Book 21, Hadith 965

Yahya related to me from Malik that Yahya ibn Said said, "Ubada ibn al-Walid ibn Ubada ibn as-Samit informed me from his father that his grandfather (Ubada) said, 'We made a contract with the Messenger of Allah, may Allah bless him and grant him peace, to hear and obey in ease and hardship, enthusiasm and reluctance, and not to dispute with people in authority and to speak or establish the truth wherever we were without worrying about criticism.'"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ أَخْبَرَنِي عُبَادَةُ بْنُ الْوَلِيدِ بْنِ عُبَادَةَ بْنِ الصَّامِتِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ بَايَعْنَا رَسُولَ اللَّهِ صلى الله عليه وسلم عَلَى السَّمْعِ وَالطَّاعَةِ فِي الْيُسْرِ وَالْعُسْرِ وَالْمَنْشَطِ وَالْمَكْرَهِ وَأَنْ لاَ نُنَازِعَ الأَمْرَ أَهْلَهُ وَأَنْ نَقُولَ أَوْ نَقُومَ بِالْحَقِّ حَيْثُمَا كُنَّا لاَ نَخَافُ فِي اللَّهِ لَوْمَةَ لاَئِمٍ .

USC-MSA web (English) reference : Book 21, Hadith 5
Arabic reference : Book 21, Hadith 966

Yahya related to me from Malik that Zayd ibn Aslam had said that Ubayda ibn al-Jarrah had written to Umar ibn al-Khattab mentioning to him a great array of Byzantine troops and the anxiety they were causing him. Umar ibn al-Khattab wrote in reply to him, "Whatever hardship befalls a believing slave, Allah will make an opening for him after it, and a hardship will not overcome two eases. Allah the Exalted says in His Book, 'O you who trust, be patient, and vie in patience; be steadfast and fear Allah, perhaps you will profit.' " (Sura 3 ayat 200).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، قَالَ كَتَبَ أَبُو عُبَيْدَةَ بْنُ الْجَرَّاحِ إِلَى عُمَرَ بْنِ الْخَطَّابِ يَذْكُرُ لَهُ جُمُوعًا مِنَ الرُّومِ وَمَا يَتَخَوَّفُ مِنْهُمْ فَكَتَبَ إِلَيْهِ عُمَرُ بْنُ الْخَطَّابِ أَمَّا بَعْدُ فَإِنَّهُ مَهْمَا يَنْزِلْ بِعَبْدٍ مُؤْمِنٍ مِنْ مُنْزَلِ شِدَّةٍ يَجْعَلِ اللَّهُ بَعْدَهُ فَرَجًا وَإِنَّهُ لَنْ يَغْلِبَ عُسْرٌ يُسْرَيْنِ وَأَنَّ اللَّهَ تَعَالَى يَقُولُ فِي كِتَابِهِ {يَا أَيُّهَا الَّذِينَ آمَنُوا اصْبِرُوا وَصَابِرُوا وَرَابِطُوا وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ }

USC-MSA web (English) reference : Book 21, Hadith 6
Arabic reference : Book 21, Hadith 967

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said that the Messenger of Allah, may Allah bless him and grant him peace, forbade travelling with a Qur'an in the land of the enemy. Malik commented, "That is out of fear that the enemy will get hold of it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ يُسَافَرَ بِالْقُرْآنِ إِلَى أَرْضِ الْعَدُوِّ .

USC-MSA web (English) reference : Book 21, Hadith 7
Arabic reference : Book 21, Hadith 968

Yahya related to me from Malik from Ibn Shihab that a son of Kab ibn Malik (Malik believed that ibn Shihab said it was Abd ar-Rahman ibn Kab) said, "The Messenger of Allah, may Allah bless him and grant him peace, forbade those who fought ibn Abi Huqayq (a treacherous jew from Madina) to kill women and children. He said that one of the men fighting had said, 'The wife of ibn Abi Huqayq began screaming and I repeatedly raised my sword against her. Then I would remember the prohibition of the Messenger of Allah, may Allah bless him and grant him peace, so I would stop. Had it not been for that, we would have been rid of her.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنٍ لِكَعْبِ بْنِ مَالِكٍ، - قَالَ حَسِبْتُ أَنَّهُ قَالَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبٍ، أَنَّهُ - قَالَ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم الَّذِينَ قَتَلُوا ابْنَ أَبِي الْحُقَيْقِ عَنْ قَتْلِ النِّسَاءِ وَالْوِلْدَانِ - قَالَ - فَكَانَ رَجُلٌ مِنْهُمْ يَقُولُ بَرَّحَتْ بِنَا امْرَأَةُ ابْنِ أَبِي الْحُقَيْقِ بِالصِّيَاحِ فَأَرْفَعُ السَّيْفَ عَلَيْهَا ثُمَّ أَذْكُرُ نَهْىَ رَسُولِ اللَّهِ صلى الله عليه وسلم فَأَكُفُّ وَلَوْلاَ ذَلِكَ اسْتَرَحْنَا مِنْهَا .

USC-MSA web (English) reference : Book 21, Hadith 8
Arabic reference : Book 21, Hadith 969

Yahya related to me from Malik from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, saw the corpse of a woman who had been slain in one of the raids, and he disapproved of it and forbade the killing of women and children.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم رَأَى فِي بَعْضِ مَغَازِيهِ امْرَأَةً مَقْتُولَةً فَأَنْكَرَ ذَلِكَ وَنَهَى عَنْ قَتْلِ النِّسَاءِ وَالصِّبْيَانِ .

USC-MSA web (English) reference : Book 21, Hadith 9
Arabic reference : Book 21, Hadith 970

Yahya related to me from Malik from Yahya ibn Said that Abu Bakr as-Siddiq was sending armies to ash-Sham. He went for a walk with Yazid ibn Abi Sufyan who was the commander of one of the battalions. It is claimed that Yazid said to Abu Bakr, "Will you ride or shall I get down?" Abu Bakrsaid, "I will not ride and you will not get down. I intend these steps of mine to be in the way of Allah."
Then Abu Bakr advised Yazid, "You will find a people who claim to have totally given themselves to Allah. Leave them to what they claim to have given themselves. You will find a people who have shaved the middle of their heads, strike what they have shaved with the sword.
"I advise you ten things:

Do not kill women or children or an aged, infirm person. Do not cut down fruit-bearing trees. Do not destroy an inhabited place. Do not slaughter sheep or camels except for food. Do not burn bees and do not scatter them. Do not steal from the booty, and do not be cowardly."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ، بَعَثَ جُيُوشًا إِلَى الشَّامِ فَخَرَجَ يَمْشِي مَعَ يَزِيدَ بْنِ أَبِي سُفْيَانَ - وَكَانَ أَمِيرَ رُبْعٍ مِنْ تِلْكَ الأَرْبَاعِ - فَزَعَمُوا أَنَّ يَزِيدَ قَالَ لأَبِي بَكْرٍ إِمَّا أَنْ تَرْكَبَ وَإِمَّا أَنْ أَنْزِلَ . فَقَالَ أَبُو بَكْرٍ مَا أَنْتَ بِنَازِلٍ وَمَا أَنَا بِرَاكِبٍ إِنِّي أَحْتَسِبُ خُطَاىَ هَذِهِ فِي سَبِيلِ اللَّهِ ثُمَّ قَالَ لَهُ إِنَّكَ سَتَجِدُ قَوْمًا زَعَمُوا أَنَّهُمْ حَبَّسُوا أَنْفُسَهُمْ لِلَّهِ فَذَرْهُمْ وَمَا زَعَمُوا أَنَّهُمْ حَبَّسُوا أَنْفُسَهُمْ لَهُ وَسَتَجِدُ قَوْمًا فَحَصُوا عَنْ أَوْسَاطِ رُءُوسِهِمْ مِنَ الشَّعَرِ فَاضْرِبْ مَا فَحَصُوا عَنْهُ بِالسَّيْفِ وَإِنِّي مُوصِيكَ بِعَشْرٍ لاَ تَقْتُلَنَّ امْرَأَةً وَلاَ صَبِيًّا وَلاَ كَبِيرًا هَرِمًا وَلاَ تَقْطَعَنَّ شَجَرًا مُثْمِرًا وَلاَ تُخَرِّبَنَّ عَامِرًا وَلاَ تَعْقِرَنَّ شَاةً وَلاَ بَعِيرًا إِلاَّ لِمَأْكَلَةٍ وَلاَ تَحْرِقَنَّ نَحْلاً وَلاَ تُفَرِّقَنَّهُ وَلاَ تَغْلُلْ وَلاَ تَجْبُنْ .

USC-MSA web (English) reference : Book 21, Hadith 10
Arabic reference : Book 21, Hadith 971

Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz wrote to one of his governors, "It has been passed down to us that when the Messenger of Allah, may Allah bless him and grant him peace, sent out a raiding party, he would say to them, 'Make your raids in the name of Allah in the way of Allah. Fight whoever denies Allah. Do not steal from the booty, and do not act treacherously. Do not mutilate and do not kill children.' Say the same to your armies and raiding parties, Allah willing. Peace be upon you."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ إِلَى عَامِلٍ مِنْ عُمَّالِهِ أَنَّهُ بَلَغَنَا أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا بَعَثَ سَرِيَّةً يَقُولُ لَهُمْ " اغْزُوا بِاسْمِ اللَّهِ فِي سَبِيلِ اللَّهِ تُقَاتِلُونَ مَنْ كَفَرَ بِاللَّهِ لاَ تَغُلُّوا وَلاَ تَغْدِرُوا وَلاَ تُمَثِّلُوا وَلاَ تَقْتُلُوا وَلِيدًا وَقُلْ ذَلِكَ لِجُيُوشِكَ وَسَرَايَاكَ إِنْ شَاءَ اللَّهُ وَالسَّلاَمُ عَلَيْكَ " .

USC-MSA web (English) reference : Book 21, Hadith 11
Arabic reference : Book 21, Hadith 972

Yahya related to me from Malik from a man of Kufa that Umar ibn al-Khattab wrote to a lieutenant of an army which he had sent out, "I have heard that it is the habit of some of your men to chase an unbeliever till he takes refuge in a high place. Then one man tells him in Persian not to be afraid, and when he comes up to him, he kills him. By He in whose hand my self is, if I knew someone who had done that, I would strike off his head."

Yahya said, I heard Malik say, "This tradition is not unanimously agreed upon, so one does not act on it."
Malik when asked whether safe conduct promised by gesture had the same status as that promised by speech, said, "Yes. I think that one can request an army not to kill someone by gesturing for safe conduct, because as far as I am concerned, gesture has the same status as speech. I have heard that Abdullah ibn Abbas said, 'There is no people who betray a pledge, but that Allah gives their enemies power over them.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَجُلٍ، مِنْ أَهْلِ الْكُوفَةِ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَتَبَ إِلَى عَامِلِ جَيْشٍ كَانَ بَعَثَهُ إِنَّهُ بَلَغَنِي أَنَّ رِجَالاً مِنْكُمْ يَطْلُبُونَ الْعِلْجَ حَتَّى إِذَا أَسْنَدَ فِي الْجَبَلِ وَامْتَنَعَ قَالَ رَجُلٌ مَطْرَسْ - يَقُولُ لاَ تَخَفْ - فَإِذَا أَدْرَكَهُ قَتَلَهُ وَإِنِّي وَالَّذِي نَفْسِي بِيَدِهِ لاَ أَعْلَمُ مَكَانَ وَاحِدٍ فَعَلَ ذَلِكَ إِلاَّ ضَرَبْتُ عُنُقَهُ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ لَيْسَ هَذَا الْحَدِيثُ بِالْمُجْتَمَعِ عَلَيْهِ وَلَيْسَ عَلَيْهِ الْعَمَلُ . وَسُئِلَ مَالِكٌ عَنِ الإِشَارَةِ بِالأَمَانِ أَهِيَ بِمَنْزِلَةِ الْكَلاَمِ فَقَالَ نَعَمْ وَإِنِّي أَرَى أَنْ يُتَقَدَّمَ إِلَى الْجُيُوشِ أَنْ لاَ تَقْتُلُوا أَحَدًا

أَشَارُوا إِلَيْهِ بِالأَمَانِ لأَنَّ الإِشَارَةَ عِنْدِي بِمَنْزِلَةِ الْكَلاَمِ وَإِنَّهُ بَلَغَنِي أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ قَالَ مَا خَتَرَ قَوْمٌ بِالْعَهْدِ إِلاَّ سَلَّطَ اللَّهُ عَلَيْهِمُ الْعَدُوَّ .

USC-MSA web (English) reference : Book 21, Hadith 12
Arabic reference : Book 21, Hadith 973

Yahya related to me from Malik from Nafi that when Abdullah ibn Umar gave something in the way of Allah, he would say to its owner, "When you reach Wadi'l-Qura, (on the outskirts of Madina) then it is your affair."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ إِذَا أَعْطَى شَيْئًا فِي سَبِيلِ اللَّهِ يَقُولُ لِصَاحِبِهِ إِذَا بَلَغْتَ وَادِيَ الْقُرَى فَشَأْنَكَ بِهِ .

USC-MSA web (English) reference : Book 21, Hadith 13
Arabic reference : Book 21, Hadith 974

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab used to say, "When a man is given something to use in a military expedition, and he brings it to the battlefield, it is his."

Malik was asked about a man who pledged himself to go on a military campaign, equipped himself,and when he wanted to go out, one or both of his parents prevented him. He said, "He should not contradict them. Let him put it off for another year. As for the equipment, I think that he should store it until he needs it. If he fears that it will spoil, let him sell it and keep its price so that he can readily buy what is needed fora military expedition. If he is well-to-do, he will find the like of his equipment when he goes out, so let him do what he likes with his equipment."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، كَانَ يَقُولُ إِذَا أُعْطِيَ الرَّجُلُ الشَّىْءَ فِي الْغَزْوِ فَيَبْلُغُ بِهِ رَأْسَ مَغْزَاتِهِ فَهُوَ لَهُ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ أَوْجَبَ عَلَى نَفْسِهِ الْغَزْوَ فَتَجَهَّزَ حَتَّى إِذَا أَرَادَ أَنْ يَخْرُجَ مَنَعَهُ أَبَوَاهُ أَوْ أَحَدُهُمَا فَقَالَ لاَ يُكَابِرْهُمَا وَلَكِنْ يُؤَخِّرُ ذَلِكَ إِلَى عَامٍ آخَرَ فَأَمَّا الْجِهَازُ فَإِنِّي أَرَى أَنْ يَرْفَعَهُ حَتَّى يَخْرُجَ بِهِ فَإِنْ خَشِيَ أَنْ يَفْسُدَ بَاعَهُ وَأَمْسَكَ ثَمَنَهُ حَتَّى يَشْتَرِيَ بِهِ مَا يُصْلِحُهُ لِلْغَزْوِ فَإِنْ كَانَ مُوسِرًا يَجِدُ مِثْلَ جِهَازِهِ إِذَا خَرَجَ فَلْيَصْنَعْ بِجِهَازِهِ مَا شَاءَ .

USC-MSA web (English) reference : Book 21, Hadith 14
Arabic reference : Book 21, Hadith 975

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, sent a raiding party which included Abdullah ibn Umar near Najd. They plundered many camels and their portions were twelve or eleven camels each. They divided it up camel by camel.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم بَعَثَ سَرِيَّةً فِيهَا عَبْدُ اللَّهِ بْنُ عُمَرَ قِبَلَ نَجْدٍ فَغَنِمُوا إِبِلاً كَثِيرَةً فَكَانَ سُهْمَانُهُمُ اثْنَىْ عَشَرَ بَعِيرًا أَوْ أَحَدَ عَشَرَ بَعِيرًا وَنُفِّلُوا بَعِيرًا بَعِيرًا .

USC-MSA web (English) reference : Book 21, Hadith 15
Arabic reference : Book 21, Hadith 976

Yahya related to me from Malik from Yahya ibn Said that he heard Said ibn al-Musayyab say, "When people in military expeditions divided the spoils, they made a camel equal to ten sheep."

Malik said about the paid labourer in military expeditions, "If he is present at the battle and is with the people in the battle and he is a free man, he has his share. If he is not present, he has no share."
Malik summed up, "I think that the booty is only divided among free men who have been present at the battle. "
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ كَانَ النَّاسُ فِي الْغَزْوِ إِذَا اقْتَسَمُوا غَنَائِمَهُمْ يَعْدِلُونَ الْبَعِيرَ بِعَشْرِ شِيَاهٍ . قَالَ مَالِكٌ فِي الأَجِيرِ فِي الْغَزْوِ إِنَّهُ إِنْ كَانَ شَهِدَ الْقِتَالَ وَكَانَ مَعَ النَّاسِ عِنْدَ الْقِتَالِ وَكَانَ حُرًّا فَلَهُ سَهْمُهُ وَإِنْ لَمْ يَفْعَلْ ذَلِكَ فَلاَ سَهْمَ لَهُ وَأَرَى أَنْ لاَ يُقْسَمَ إِلاَّ لِمَنْ شَهِدَ الْقِتَالَ مِنَ الأَحْرَارِ .

USC-MSA web (English) reference : Book 21, Hadith 16
Arabic reference : Book 21, Hadith 977

Malik said about enemy soldiers who were found on the seashore of a Muslim land, and they claimed that they were merchants and that the sea had driven them ashore, while the Muslims were not able to verify any of that except that their ships were damaged, or they were thirsty and had disembarked without the permission of the Muslims, "I think that it is up to the imam to give his opinion about them, and I do not think that the tax of one fifth is taken from them."

USC-MSA web (English) reference : Book 21, Hadith 16

Malik said, "I do not see that there is any harm in the Muslims eating whatever food they come across in enemy territory before the spoils are divided."

Malik said, "I think that any camels, cattle and sheep (taken as booty) are considered as food which the Muslims can eat in enemy territory. If they could not be eaten until the people had gathered for the division and the spoils had been distributed among them, that would be harmful for the army. I do not see any objection to eating such things within acceptable limits. I do not think, however, that anyone should store up any of it to take back to his family."
Malik was asked whether it was proper for a man who obtained food in enemy territory and ate some of it and made provision so that there was some of it left over to keep and eat with his family, or to sell before he had come to his country and make use of its price. He said, "If he sells it while he is on a military expedition, I think that he should put its price into the booty of the Muslims. If he takes it back to his country, I see no objection to his eating it and using it if it is a small insignificant thing."

USC-MSA web (English) reference : Book 21, Hadith 16

Yahya related to me from Malik that it reached him that a slave of Abdullah ibn Umar escaped and one of his horses wandered off, and the idol worshippers seized them. Then the Muslims recaptured them, and they were returned to Abdullah ibn Umar, before the division of the spoils took place.

I heard Malik say about muslim property that had been seized by the enemy, "If it is noticed before the distribution, then it is returned to itsowner. Whatever has already been distributed is not returned to anyone."
Malik, when asked about a man whose young male slave was taken by the idol worshippers and then the Muslims recaptured him, said, "The owner is more entitled to him without having to pay his price or value or having to incur any loss before the distribution takes place. If the distribution has already taken place then I think that the slave belongs to his master for his price if the master wants him back."
Regarding an umm walad of a Muslim man who has been taken by the idol worshippers and then recaptured by the Muslims and allotted in the distribution of spoils and then recognised by her master after the distribution, Malik said, "She is not to be enslaved. I think that the Imam should pay a ransom for her for her master. If he does not do it, then her master must pay a ransom for her and not leave her. I do not think that she should be made a slave by whoever takes her and intercourse with her is not halal. She is in the position of a free woman because her master

would be required to pay compensation if she injured somebody and so she is in the same position (as a wife). He must not leave the mother of his son to be enslaved nor may intercourse with her be made halal."
Malik was asked about a man who went to enemy territory to pay ransom or to trade, and he bought a free man or a slave, or they were given to him. He said, "As for the free man, the price he buys him for is a debt against the man and he is not made a slave. If the captive is given to him freely, he is free and owes nothing unless the man gave something in recompense for him. That is a debt against the free man, the same as if a ransom had been paid for him. As for a slave, his former master can choose to take him back and pay his price to the man who bought him or he can choose to leave him, as he wishes. If he was given to the man, the former master is more entitled to him, and he owes nothing for him unless the man gave something for him in recompense. Whatever he gave for him is a loss against the master if he wants him back."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدًا، لِعَبْدِ اللَّهِ بْنِ عُمَرَ أَبَقَ وَأَنَّ فَرَسًا لَهُ عَارَ فَأَصَابَهُمَا الْمُشْرِكُونَ ثُمَّ غَنِمَهُمَا الْمُسْلِمُونَ فَرُدَّا عَلَى عَبْدِ اللَّهِ بْنِ عُمَرَ وَذَلِكَ قَبْلَ أَنْ تُصِيبَهُمَا الْمَقَاسِمُ ‏.‏

USC-MSA web (English) reference : Book 21, Hadith 17
Arabic reference : Book 21, Hadith 978

Yahya related to me from Malik from Yahya ibn Said from Amr ibn Kathir ibn Aflah from Abu Muhammad, the mawla of Abu Qatada that Abu Qatada ibn Ribi said, "We went out with the Messenger of Allah, may Allah bless him and grant him peace, in the year of Hunayn. When the armies met, the Muslims were put in disarray. I saw a man from the idol worshippers who had got the better of one of the Muslims, so I circled round and came up behind him, and struck him with a sword on his shoulder-blade. He turned to me and grabbed me so hard that I felt the smell of death in it. Then death overcame him, and he let go of me."

He continued, "I met Umar ibn al-Khattab and said to him, 'What's going on with the people?' He replied, 'The Command of Allah.' Then the people took hold of the battle and the Messenger of Allah, may Allah bless him and grant him peace, said, 'Whoever has killed one of the dead and can prove it, can strip him of his personal effects.' I stood up and said, 'Who will testify for me?' and then I sat down. The Messenger of Allah repeated, 'Whoever has killed one of the dead and can prove it, can strip him of his personal effects.' I stood up and said, 'Who will testify for me?' then I sat down. Then he repeated his statement a third time, so I stood up, and the Messenger of Allah, may Allah bless him and grant him peace, said, 'What's the matter with you, Abu Qatada?' So I related my story to him. A man said, 'He has spoken the truth, Messenger of Allah. I have the effects of that slain person with me, so give him compensation for it, Messenger of Allah.'
Abu Bakr said, 'No, by Allah! He did not intend that one of the lions of Allah should fight for Allah and His Messenger and then give you his spoils.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'He has spoken the truth, hand it over to him.' He gave it to me, and I sold the breast-plate and I bought a garden in the area of the Banu Salima with the money. It was my first property, and I acquired it in Islam."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُمَرَ بْنِ كَثِيرِ بْنِ أَفْلَحَ، عَنْ أَبِي مُحَمَّدٍ، مَوْلَى أَبِي قَتَادَةَ عَنْ أَبِي قَتَادَةَ بْنِ رِبْعِيٍّ، أَنَّهُ قَالَ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ حُنَيْنٍ فَلَمَّا الْتَقَيْنَا كَانَتْ لِلْمُسْلِمِينَ جَوْلَةٌ - قَالَ - فَرَأَيْتُ رَجُلاً مِنَ الْمُشْرِكِينَ قَدْ عَلاَ رَجُلاً مِنَ الْمُسْلِمِينَ - قَالَ - فَاسْتَدَرْتُ لَهُ حَتَّى أَتَيْتُهُ مِنْ وَرَائِهِ فَضَرَبْتُهُ بِالسَّيْفِ عَلَى حَبْلِ عَاتِقِهِ فَأَقْبَلَ عَلَىَّ فَضَمَّنِي ضَمَّةً وَجَدْتُ مِنْهَا رِيحَ الْمَوْتِ ثُمَّ أَدْرَكَهُ الْمَوْتُ فَأَرْسَلَنِي - قَالَ - فَلَقِيتُ عُمَرَ بْنَ الْخَطَّابِ فَقُلْتُ مَا بَالُ النَّاسِ فَقَالَ أَمْرُ اللَّهِ ‏.‏ ثُمَّ إِنَّ النَّاسَ رَجَعُوا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ مَنْ قَتَلَ قَتِيلاً لَهُ عَلَيْهِ بَيِّنَةٌ فَلَهُ سَلَبُهُ ‏"‏ ‏.‏ قَالَ فَقُمْتُ ثُمَّ قُلْتُ مَنْ يَشْهَدُ لِي ثُمَّ جَلَسْتُ ‏.‏ ثُمَّ قَالَ ‏"‏ مَنْ قَتَلَ قَتِيلاً لَهُ عَلَيْهِ بَيِّنَةٌ فَلَهُ سَلَبُهُ ‏"‏ ‏.‏ قَالَ فَقُمْتُ ثُمَّ قُلْتُ مَنْ يَشْهَدُ لِي ثُمَّ جَلَسْتُ ثُمَّ قَالَ

ذَلِكَ الثَّالِثَةَ فَقُمْتُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا لَكَ يَا أَبَا قَتَادَةَ " . قَالَ فَاقْتَصَصْتُ عَلَيْهِ الْقِصَّةَ . فَقَالَ رَجُلٌ مِنَ الْقَوْمِ صَدَقَ يَا رَسُولَ اللَّهِ وَسَلَبُ ذَلِكَ الْقَتِيلِ عِنْدِي فَأَرْضِهِ عَنْهُ يَا رَسُولَ اللَّهِ . فَقَالَ أَبُو بَكْرٍ لاَ هَاءَ اللَّهِ إِذًا لاَ يَعْمِدُ إِلَى أَسَدٍ مِنْ أُسْدِ اللَّهِ يُقَاتِلُ عَنِ اللَّهِ وَرَسُولِهِ فَيُعْطِيكَ سَلَبَهُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " صَدَقَ فَأَعْطِهِ إِيَّاهُ " . فَأَعْطَانِيهِ فَبِعْتُ الدِّرْعَ فَاشْتَرَيْتُ بِهِ مَخْرَفًا فِي بَنِي سَلِمَةَ فَإِنَّهُ لأَوَّلُ مَالٍ تَأَثَّلْتُهُ فِي الإِسْلاَمِ .

USC-MSA web (English) reference : Book 21, Hadith 18
Arabic reference : Book 21, Hadith 979

Yahya related to me from Malik from Ibn Shihab that al-Qasim ibn Muhammad said that he had heard a man asking ibn Abbas about booty. Ibn Abbas said, "Horses are part of the booty and personal effects are as well."

Then the man repeated his question, and Ibn Abbas repeated his answer. Then the man said, "What are the spoils which He, the Blessed, the Exalted, mentioned in His Book?" He kept on asking until Ibn Abbas was on the verge of being annoyed, then Ibn Abbas said, "Do you know who this man is like? Ibn Sabigh, who was beaten by Umar ibn al-Khattab because he was notorious for asking foolish questions."
Yahya said that Malik was asked whether someone who killed one of the enemy could keep the man's effects without the permission of the Imam. He said, "No one can do that without the permission of the Imam. Only the Imam can make ijtihad. I have not heard that the Messenger of Allah, may Allah bless him and grant him peace, ever said, 'Whoever kills someone can have his effects,' on any other day than the day of Hunayn."
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وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ قَالَ سَمِعْتُ رَجُلاً، يَسْأَلُ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ عَنِ الأَنْفَالِ، فَقَالَ ابْنُ عَبَّاسٍ الْفَرَسُ مِنَ النَّفَلِ وَالسَّلَبُ مِنَ النَّفَلِ . قَالَ ثُمَّ عَادَ الرَّجُلُ لِمَسْأَلَتِهِ فَقَالَ ابْنُ عَبَّاسٍ ذَلِكَ أَيْضًا ثُمَّ قَالَ الرَّجُلُ الأَنْفَالُ الَّتِي قَالَ اللَّهُ فِي كِتَابِهِ مَا هِيَ قَالَ الْقَاسِمُ فَلَمْ يَزَلْ يَسْأَلُهُ حَتَّى كَادَ أَنْ يُحْرِجَهُ ثُمَّ قَالَ ابْنُ عَبَّاسٍ أَتَدْرُونَ مَا مَثَلُ هَذَا مَثَلُ صَبِيغٍ الَّذِي ضَرَبَهُ عُمَرُ بْنُ الْخَطَّابِ . قَالَ وَسُئِلَ مَالِكٌ عَمَّنْ قَتَلَ قَتِيلاً مِنَ الْعَدُوِّ أَيَكُونُ لَهُ سَلَبُهُ بِغَيْرِ إِذْنِ الإِمَامِ قَالَ لاَ يَكُونُ ذَلِكَ لأَحَدٍ بِغَيْرِ إِذْنِ الإِمَامِ وَلاَ يَكُونُ ذَلِكَ مِنَ الإِمَامِ إِلاَّ عَلَى وَجْهِ الاِجْتِهَادِ وَلَمْ يَبْلُغْنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " **مَنْ قَتَلَ قَتِيلاً فَلَهُ سَلَبُهُ** " . إِلاَّ يَوْمَ حُنَيْنٍ .

USC-MSA web (English) reference : Book 21, Hadith 19
Arabic reference : Book 21, Hadith 980

Yahya related to me from Malik from Abu'z-Zinad that Said ibn al- Musayyab said, "People used to be given bonuses from the Khumus."

Malik said, "That is the best of what I have heard on the matter."
Malik was asked about bonuses and whether they were taken from the first of the spoils, and he said, "That is only decided according to the ijtihad of the Imam. We do not have a known reliable command about that other than it is up to the ijtihad of the Sultan. I have not heard that the Messenger of Allah, may Allah bless him and grant him peace, gave bonuses in all his raids. I have only heard that he gave bonuses in one of them, namely the day of Hunayn. It depends on the ijtihad of the Imam whether they are taken from the first of the spoils or what is after it."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ كَانَ النَّاسُ يُعْطَوْنَ النَّفَلَ مِنَ الْخُمُسِ . قَالَ مَالِكٌ وَذَلِكَ أَحْسَنُ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ . وَسُئِلَ مَالِكٌ عَنِ النَّفَلِ هَلْ يَكُونُ فِي أَوَّلِ مَغْنَمٍ قَالَ ذَلِكَ عَلَى وَجْهِ الاِجْتِهَادِ مِنَ الإِمَامِ وَلَيْسَ

عِنْدَنَا فِي ذَلِكَ أَمْرٌ مَعْرُوفٌ مَوْثُوقٌ إِلاَّ اجْتِهَادُ السُّلْطَانِ وَلَمْ يَبْلُغْنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَفَّلَ فِي مَغَازِيهِ كُلِّهَا وَقَدْ بَلَغَنِي أَنَّهُ نَفَّلَ فِي بَعْضِهَا يَوْمَ حُنَيْنٍ وَإِنَّمَا ذَلِكَ عَلَى وَجْهِ الاِجْتِهَادِ مِنَ الإِمَامِ فِي أَوَّلِ مَغْنَمٍ وَفِيمَا بَعْدَهُ .

USC-MSA web (English) reference : Book 21, Hadith 20
Arabic reference : Book 21, Hadith 981

Yahya related to me that Malik said that he had heard that Umar ibn Abd al-Aziz used to say, "The man on horse-back has two shares, and the man on foot has one."

Malik added, "I continue to hear the same."
Malik, when asked whether a man who was present with several horses took a share for all of them, said, "I have never heard that. I think that there is only a share for the horse on which he fought."
Malik said, "I think that foreign horses and half-breeds are considered as horses because Allah, the Blessed, the Exalted, said in His Book, 'All horses, and mules, and asses, for you to ride, and as an adornment.' (Sura16 ayat 8). He said, the Mighty, the Majestic, 'Make ready for them whatever force and strings of horses you can, to terrify thereby the enemy of Allah and your enemy.' (Sura 8 ayat 60). I think that foreign breeds and half-breeds are considered as horses if the governor accepts them."
Said ibn al-Musayyab was asked about working horses, and whether there was zakat on them. He said, "Is there any zakat on horses.?"
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ قَالَ بَلَغَنِي أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَانَ يَقُولُ لِلْفَرَسِ سَهْمَانِ وَلِلرَّجُلِ سَهْمٌ . قَالَ مَالِكٌ وَلَمْ أَزَلْ أَسْمَعُ ذَلِكَ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ يَحْضُرُ بِأَفْرَاسٍ كَثِيرَةٍ فَهَلْ يُقْسَمُ لَهَا كُلِّهَا فَقَالَ لَمْ أَسْمَعْ بِذَلِكَ وَلاَ أَرَى أَنْ يُقْسَمَ إِلاَّ لِفَرَسٍ وَاحِدٍ الَّذِي يُقَاتِلُ عَلَيْهِ . قَالَ مَالِكٌ لاَ أَرَى الْبَرَاذِينَ وَالْهُجُنَ إِلاَّ مِنَ الْخَيْلِ لأَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ فِي كِتَابِهِ {وَالْخَيْلَ وَالْبِغَالَ وَالْحَمِيرَ لِتَرْكَبُوهَا وَزِينَةً} وَقَالَ عَزَّ وَجَلَّ {وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَعَدُوَّكُمْ} فَأَنَا أَرَى الْبَرَاذِينَ وَالْهُجُنَ مِنَ الْخَيْلِ إِذَا أَجَازَهَا الْوَالِي وَقَدْ قَالَ سَعِيدُ بْنُ الْمُسَيَّبِ وَسُئِلَ عَنِ الْبَرَاذِينَ هَلْ فِيهَا مِنْ صَدَقَةٍ فَقَالَ وَهَلْ فِي الْخَيْلِ مِنْ صَدَقَةٍ

USC-MSA web (English) reference : Book 21, Hadith 21
Arabic reference : Book 21, Hadith 982

Yahya related to me from Malik from Abd ar-Rahman ibn Said from Amr ibn Shuayb that when the Messenger of Allah, may Allah bless him and grant him peace, came back from Hunayn heading for al-Jiirrana, the people crowded around so much to question him that his she-camel backed into a tree, which became entangled in his cloak and pulled it off his back. The Messenger of Allah, may Allah bless him and grant him peace, said, "Return my cloak to me. Are you afraid that I will not distribute among you what Allah has given you as spoils. By He in whose hand my self is! Had Allah given you spoils equal to the number of acacia trees on the plain of Tihama, I would have distributed it among you. You will not find me to be miserly, cowardly, or a liar." Then the Messenger of Allah, may Allah bless him and grant him peace, got down and stood among the people, and said, "Hand over even the needle and thread, for stealing from the spoils is disgrace, fire, ignominy on the Day of Rising for people who do it." Then he took a bit of camel fluff or something from the ground and said, "By He in whose hand my self is! What Allah has made spoils for you is not mine - even the like of this! - except for the tax of one fifth, and the tax of one fifth is returned to you."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ رَبِّهِ بْنِ سَعِيدٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم حِينَ صَدَرَ مِنْ حُنَيْنٍ وَهُوَ يُرِيدُ الْجِعِرَّانَةَ سَأَلَهُ النَّاسُ حَتَّى دَنَتْ بِهِ نَاقَتُهُ مِنْ شَجَرَةٍ فَتَشَبَّكَتْ بِرِدَائِهِ حَتَّى نَزَعَتْهُ عَنْ ظَهْرِهِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " رُدُّوا عَلَىَّ رِدَائِي أَتَخَافُونَ أَنْ لاَ أَقْسِمَ بَيْنَكُمْ مَا أَفَاءَ اللَّهُ عَلَيْكُمْ وَالَّذِي نَفْسِي بِيَدِهِ لَوْ أَفَاءَ اللَّهُ عَلَيْكُمْ مِثْلَ سَمُرِ تِهَامَةَ نَعَمًا لَقَسَمْتُهُ بَيْنَكُمْ ثُمَّ لاَ تَجِدُونِي بَخِيلاً وَلاَ جَبَانًا وَلاَ كَذَّابًا " . فَلَمَّا نَزَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم قَامَ فِي النَّاسِ فَقَالَ " أَدُّوا الْخِيَاطَ وَالْمِخْيَطَ فَإِنَّ الْغُلُولَ عَارٌ وَنَارٌ وَشَنَارٌ عَلَى أَهْلِهِ يَوْمَ الْقِيَامَةِ " . قَالَ ثُمَّ تَنَاوَلَ مِنَ الأَرْضِ وَبَرَةً مِنْ بَعِيرٍ أَوْ شَيْئًا ثُمَّ قَالَ " وَالَّذِي نَفْسِي بِيَدِهِ مَا لِي مِمَّا أَفَاءَ اللَّهُ عَلَيْكُمْ وَلاَ مِثْلَ هَذِهِ إِلاَّ الْخُمُسُ وَالْخُمُسُ مَرْدُودٌ عَلَيْكُمْ " .

USC-MSA web (English) reference : Book 21, Hadith 22
Arabic reference : Book 21, Hadith 983

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Yahya ibn Habban from Ibn Abi Amra that Zayd ibn Khalid al-Juhani said, "A man died on the day of Hunayn, and they mentioned him to the Messenger of Allah, may Allah bless him and grant him peace." Zayd claimed that the Messenger of Allah, may Allah bless him and grant him peace, said, "You pray over your companion." (i.e. he would not pray himself). The people's faces dropped at that. Zayd claimed that the Messenger of Allah, may Allah bless him and grant him peace, said, "Your companion stole from the spoils taken in the way of Allah." Zayd said, "So we opened up his baggage and found some Jews' beads worth about two dirhams."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، أَنَّ زَيْدَ بْنَ خَالِدٍ الْجُهَنِيَّ، قَالَ تُوُفِّيَ رَجُلٌ يَوْمَ حُنَيْنٍ وَإِنَّهُمْ ذَكَرُوهُ لِرَسُولِ اللَّهِ صلى الله عليه وسلم فَزَعَمَ زَيْدٌ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " صَلُّوا عَلَى صَاحِبِكُمْ " . فَتَغَيَّرَتْ وُجُوهُ النَّاسِ لِذَلِكَ فَزَعَمَ زَيْدٌ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّ صَاحِبَكُمْ قَدْ غَلَّ فِي سَبِيلِ اللَّهِ " . قَالَ فَفَتَحْنَا مَتَاعَهُ فَوَجَدْنَا خَرَزَاتٍ مِنْ خَرَزِ يَهُودَ مَا تُسَاوِينَ دِرْهَمَيْنِ .

USC-MSA web (English) reference : Book 21, Hadith 23
Arabic reference : Book 21, Hadith 984

Yahya related to me from Malik from Yahya ibn Said from Abdullah ibn al-Mughira ibn Abi Burda al-Kinani that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, came to the people in their tribes and made dua for them, but left out one of the tribes. Abdullah related, "The tribe found an onyx necklace in the saddle-bags of one of their men. The Messenger of Allah, may Allah bless him and grant him peace, came to them, and then did the takbir over them as one does the takbir over the dead."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةِ بْنِ أَبِي بُرْدَةَ الْكِنَانِيِّ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَتَى النَّاسَ فِي قَبَائِلِهِمْ يَدْعُو لَهُمْ وَأَنَّهُ تَرَكَ قَبِيلَةً مِنَ الْقَبَائِلِ - قَالَ - وَإِنَّ الْقَبِيلَةَ وَجَدُوا فِي بَرْدَعَةِ رَجُلٍ مِنْهُمْ عِقْدَ جَزْعٍ غُلُولاً فَأَتَاهُمْ رَسُولُ اللَّهِ صلى الله عليه وسلم فَكَبَّرَ عَلَيْهِمْ كَمَا يُكَبِّرُ عَلَى الْمَيِّتِ .

USC-MSA web (English) reference : Book 21, Hadith 24
Arabic reference : Book 21, Hadith 985

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili from Abu'l-Ghayth Salim, the mawla of ibn Muti that Abu Hurayra said, "We went out with the Messenger of Allah, may Allah bless him and grant him peace, in the

yearof Khaybar. We did not capture any gold or silver except for personal effects, clothes, and baggage. Rifaa ibn Zayd presented a black slave boy to the Messenger of Allah, may Allah bless him and grant him peace, whose name was Midam. The Messenger of Allah, may Allah bless him and grant him peace, made for Wadi'l-Qura, and when he arrived there, Midam was unsaddling the camel of the Messenger of Allah, may Allah bless him and grant him peace, when a stray arrow struck and killed him. The people said, 'Good luck to him! The Garden!' The Messenger of Allah said, 'No! By He in whose hand my self is! The cloak which he took from the spoils on the Day of Khaybar before they were distributed will blaze with fire on him.' When the people heard that, a man brought a sandal-strap or two sandal-straps to the Messenger of Allah, may Allah bless him and grant him peace. The Messenger of Allah, may Allah bless him and grant him peace, said, 'A sandal-strap or two sandal-straps of fire!' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، عَنْ أَبِي الْغَيْثِ، سَالِمٍ مَوْلَى ابْنِ مُطِيعٍ عَنْ أَبِي هُرَيْرَةَ، قَالَ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ حُنَيْنٍ فَلَمْ نَغْنَمْ ذَهَبًا وَلاَ وَرِقًا إِلاَّ الأَمْوَالَ الثِّيَابَ وَالْمَتَاعَ - قَالَ - فَأَهْدَى رِفَاعَةُ بْنُ زَيْدٍ لِرَسُولِ اللَّهِ صلى الله عليه وسلم غُلاَمًا أَسْوَدَ يُقَالُ لَهُ مِدْعَمٌ فَوَجَّهَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِلَى وَادِي الْقُرَى حَتَّى إِذَا كُنَّا بِوَادِي الْقُرَى بَيْنَمَا مِدْعَمٌ يَحُطُّ رَحْلَ رَسُولِ اللَّهِ صلى الله عليه وسلم إِذْ جَاءَهُ سَهْمٌ عَائِرٌ فَأَصَابَهُ فَقَتَلَهُ فَقَالَ النَّاسُ هَنِيئًا لَهُ الْجَنَّةُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " كَلاَّ وَالَّذِي نَفْسِي بِيَدِهِ إِنَّ الشَّمْلَةَ الَّتِي أَخَذَ يَوْمَ حُنَيْنٍ مِنَ الْمَغَانِمِ لَمْ تُصِبْهَا الْمَقَاسِمُ لَتَشْتَعِلُ عَلَيْهِ نَارًا " . قَالَ فَلَمَّا سَمِعَ النَّاسُ ذَلِكَ جَاءَ رَجُلٌ بِشِرَاكٍ أَوْ شِرَاكَيْنِ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " شِرَاكٌ أَوْ شِرَاكَانِ مِنْ نَارٍ " .

USC-MSA web (English) reference : Book 21, Hadith 25
Arabic reference : Book 21, Hadith 986

Yahya related to me from Malik from Yahya ibn Said that he had heard that Abdullah ibn Abbas said, "Stealing from the spoils does not appear in a people but that terror is cast into their hearts. Fornication does not spread in a people but that there is much death among them. A people do not lessen the measure and weight but that provision is cut off from them. A people do not judge without right but that blood spreads among them. A people do not betray the pledge but that Allah gives their enemies power over them."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ بَلَغَهُ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ قَالَ مَا ظَهَرَ الْغُلُولُ فِي قَوْمٍ قَطُّ إِلاَّ أُلْقِيَ فِي قُلُوبِهِمُ الرُّعْبُ وَلاَ فَشَا الزِّنَا فِي قَوْمٍ قَطُّ إِلاَّ كَثُرَ فِيهِمُ الْمَوْتُ وَلاَ نَقَصَ قَوْمٌ الْمِكْيَالَ وَالْمِيزَانَ إِلاَّ قُطِعَ عَنْهُمُ الرِّزْقُ وَلاَ حَكَمَ قَوْمٌ بِغَيْرِ الْحَقِّ إِلاَّ فَشَا فِيهِمُ الدَّمُ وَلاَ خَتَرَ قَوْمٌ بِالْعَهْدِ إِلاَّ سَلَّطَ اللَّهُ عَلَيْهِمُ الْعَدُوَّ .

USC-MSA web (English) reference : Book 21, Hadith 26
Arabic reference : Book 21, Hadith 987

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "By He in whose hand my self is! I would like to fight in the way of Allah and be killed, then be brought to life again so I could be killed, and then be brought to life again so I could be killed." Abu Hurayra said three times, "I testify to it by Allah!"

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " وَالَّذِي نَفْسِي بِيَدِهِ لَوَدِدْتُ أَنِّي أُقَاتِلُ فِي سَبِيلِ اللَّهِ فَأُقْتَلُ ثُمَّ أُحْيَا فَأُقْتَلُ ثُمَّ أُحْيَا فَأُقْتَلُ " . فَكَانَ أَبُو هُرَيْرَةَ يَقُولُ ثَلاَثًا أَشْهَدُ بِاللَّهِ .

USC-MSA web (English) reference : Book 21, Hadith 27
Arabic reference : Book 21, Hadith 988

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Allah laughs at two men. One of them kills the other, but each of them will enter the Garden:

one fights in the way of Allah and is killed, then Allah turns to the killer, so he fights (in the way of Allah) and also becomes a martyr."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " يَضْحَكُ اللَّهُ إِلَى رَجُلَيْنِ يَقْتُلُ أَحَدُهُمَا الآخَرَ كِلاَهُمَا يَدْخُلُ الْجَنَّةَ يُقَاتِلُ هَذَا فِي سَبِيلِ اللَّهِ فَيُقْتَلُ ثُمَّ يَتُوبُ اللَّهُ عَلَى الْقَاتِلِ فَيُقَاتِلُ فَيُسْتَشْهَدُ " .

USC-MSA web (English) reference : Book 21, Hadith 28
Arabic reference : Book 21, Hadith 989

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "By He in whose hand my self is! None of you is wounded in the way of Allah - and Allah knows best who is wounded in HisWay, but that when the Day of Rising comes, blood will gush forth from his wound. It will be the colour of blood, but its scent will be that of musk."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " وَالَّذِي نَفْسِي بِيَدِهِ لاَ يُكْلَمُ أَحَدٌ فِي سَبِيلِ اللَّهِ - وَاللَّهُ أَعْلَمُ بِمَنْ يُكْلَمُ فِي سَبِيلِهِ - إِلاَّ جَاءَ يَوْمَ الْقِيَامَةِ وَجُرْحُهُ يَثْعَبُ دَمًا اللَّوْنُ لَوْنُ دَمٍ وَالرِّيحُ رِيحُ الْمِسْكِ " .

USC-MSA web (English) reference : Book 21, Hadith 29
Arabic reference : Book 21, Hadith 990

Yahya related to me from Malik from Zayd ibn Aslam that Umar ibn al-Khattab used to say, "O Allah! Do not let me be slain by the hand of a man who has prayed a single prostration to You with which he will dispute with me before You on the Day of Rising!"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَقُولُ اللَّهُمَّ لاَ تَجْعَلْ قَتْلِي بِيَدِ رَجُلٍ صَلَّى لَكَ سَجْدَةً وَاحِدَةً يُحَاجُّنِي بِهَا عِنْدَكَ يَوْمَ الْقِيَامَةِ .

USC-MSA web (English) reference : Book 21, Hadith 30
Arabic reference : Book 21, Hadith 991

Yahya related to me from Malik from Yahya ibn Said from Said al- Maqburi from Abdullah ibn Abi Qatada that his father had said that a man came to the Messenger of Allah, may Allah bless him and grant him peace, and said, "O Messenger of Allah! If I am killed in the way of Allah, expectant for reward, sincere, advancing, and not retreating, will Allah pardon my faults?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes." When the man turned away, the Messenger of Allah, may Allah bless him and grant him peace, called him - or commanded him and he was called to him. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "What did you say?" He repeated his words to him, and the Prophet, may Allah bless him and grant him peace, said to him, "Yes, except for the debt. Jibril said that to me."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَتَادَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ إِنْ قُتِلْتُ فِي سَبِيلِ اللَّهِ صَابِرًا مُحْتَسِبًا مُقْبِلاً غَيْرَ مُدْبِرٍ أَيُكَفِّرُ اللَّهُ عَنِّي خَطَايَاىَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ " . فَلَمَّا أَدْبَرَ الرَّجُلُ نَادَاهُ رَسُولُ اللَّهِ صلى الله عليه وسلم أَوْ أَمَرَ بِهِ فَنُودِيَ لَهُ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " كَيْفَ قُلْتَ " . فَأَعَادَ عَلَيْهِ قَوْلَهُ فَقَالَ لَهُ النَّبِيُّ صلى الله عليه وسلم " نَعَمْ إِلاَّ الدَّيْنَ كَذَلِكَ قَالَ لِي جِبْرِيلُ " .

USC-MSA web (English) reference : Book 21, Hadith 31
Arabic reference : Book 21, Hadith 992

Yahya related to me from Malik from Abu'n-Nadr, the mawla of Umar ibn Ubaydullah that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said over the martyrs of Uhud, "I testify for them." Abu Bakr as-Siddiq said, "Messenger of Allah! Are we not their brothers? We entered Islam as they entered Islam and we did jihad as they did jihad." The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes, but I do not know what you will do after me." Abu Bakr wept profusely and said, "Are we really going to out-live you!"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ لِشُهَدَاءِ أُحُدٍ " هَؤُلاَءِ أَشْهَدُ عَلَيْهِمْ " . فَقَالَ أَبُو بَكْرٍ الصِّدِّيقُ أَلَسْنَا يَا رَسُولَ اللَّهِ بِإِخْوَانِهِمْ أَسْلَمْنَا كَمَا أَسْلَمُوا وَجَاهَدْنَا كَمَا جَاهَدُوا . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " بَلَى وَلَكِنْ لاَ أَدْرِي مَا تُحْدِثُونَ بَعْدِي " . فَبَكَى أَبُو بَكْرٍ ثُمَّ بَكَى ثُمَّ قَالَ أَئِنَّا لَكَائِنُونَ بَعْدَكَ

USC-MSA web (English) reference : Book 21, Hadith 32
Arabic reference : Book 21, Hadith 993

Yahya related to me from Malik that Yahya ibn Said said, "The Messenger of Allah, may Allah bless him and grant him peace, was sitting by a grave which was being dug at Madina. A man looked into the grave and said, 'An awful bed for the mumin. 'The Messenger of Allah, may Allah blesshim and grant him peace, said, 'Evil? What you have said is absolutely wrong.'

The man said, 'I didn't mean that, Messenger of Allah. I meant being killed in the way of Allah.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Being killed in the way of Allah has no like! There is no place on the earth which I would prefer my grave to be than here (meaning Madina). He repeated it three times.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم جَالِسًا وَقَبْرٌ يُحْفَرُ بِالْمَدِينَةِ فَاطَّلَعَ رَجُلٌ فِي الْقَبْرِ فَقَالَ بِئْسَ مَضْجَعُ الْمُؤْمِنِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " بِئْسَ مَا قُلْتَ " . فَقَالَ الرَّجُلُ إِنِّي لَمْ أُرِدْ هَذَا يَا رَسُولَ اللَّهِ إِنَّمَا أَرَدْتُ الْقَتْلَ فِي سَبِيلِ اللَّهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ مِثْلَ لِلْقَتْلِ فِي سَبِيلِ اللَّهِ مَا عَلَى الأَرْضِ بُقْعَةٌ هِيَ أَحَبُّ إِلَىَّ أَنْ يَكُونَ قَبْرِي بِهَا مِنْهَا " . ثَلاَثَ مَرَّاتٍ يَعْنِي الْمَدِينَةَ .

USC-MSA web (English) reference : Book 21, Hadith 33
Arabic reference : Book 21, Hadith 994

Yahya related to me from Malik from Zayd ibn Aslam that Umar ibn al-Khattab used to say, "O Allah! I ask you for martyrdom in Your way and death in the city of Your Messenger!"

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَقُولُ اللَّهُمَّ إِنِّي أَسْأَلُكَ شَهَادَةً فِي سَبِيلِكَ وَوَفَاةً بِبَلَدِ رَسُولِكَ .

USC-MSA web (English) reference : Book 21, Hadith 34
Arabic reference : Book 21, Hadith 995

Yahya related to me from Malik from Yahya ibn Said that Umar ibn al-Khattab said, "The nobility of the mumin is his taqwa. His deen is his noble descent. His manliness is his good character. Boldness and cowardice are but instincts which Allah places wherever He wills. The coward shrinks from defending even his father and mother, and the bold one fights for the sake of the combat not for the spoils. Being slain is but one way of meeting death, and the martyr is the one who gives himself, expectant of reward from Allah."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ كَرَمُ الْمُؤْمِنِ تَقْوَاهُ وَدِينُهُ حَسَبُهُ وَمُرُوءَتُهُ خُلُقُهُ وَالْجُرْأَةُ وَالْجُبْنُ غَرَائِزُ يَضَعُهَا اللَّهُ حَيْثُ شَاءَ فَالْجَبَانُ يَفِرُّ عَنْ أَبِيهِ وَأُمِّهِ وَالْجَرِيءُ يُقَاتِلُ عَمَّا لاَ يَؤُوبُ بِهِ إِلَى رَحْلِهِ وَالْقَتْلُ حَتْفٌ مِنَ الْحُتُوفِ وَالشَّهِيدُ مَنِ احْتَسَبَ نَفْسَهُ عَلَى اللَّهِ .

USC-MSA web (English) reference : Book 21, Hadith 35
Arabic reference : Book 21, Hadith 996

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab was washed and shrouded and prayed over, yet he was a martyr, may Allah have mercy on him .

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، غُسِّلَ وَكُفِّنَ وَصُلِّيَ عَلَيْهِ وَكَانَ شَهِيدًا يَرْحَمُهُ اللَّهُ .

USC-MSA web (English) reference : Book 21, Hadith 36
Arabic reference : Book 21, Hadith 997

Yahya related to me from Malik that he had heard the people of knowledge say that martyrs in the way of Allah were not washed, nor were any of them prayed over. They were buried in the garments in which they were slain.

Malik said, "That is the sunna for someone who is killed on the battleground and is not reached until he is already dead. Someone who is carried off and lives for as long as Allah wills after it, is washed and prayed over as was Umar ibn al- Khattab."

وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ بَلَغَهُ عَنْ أَهْلِ الْعِلْمِ أَنَّهُمْ كَانُوا يَقُولُونَ الشُّهَدَاءُ فِي سَبِيلِ اللَّهِ لاَ يُغَسَّلُونَ وَلاَ يُصَلَّى عَلَى أَحَدٍ مِنْهُمْ وَإِنَّهُمْ يُدْفَنُونَ فِي الثِّيَابِ الَّتِي قُتِلُوا فِيهَا . قَالَ مَالِكٌ وَتِلْكَ السُّنَّةُ فِيمَنْ قُتِلَ فِي الْمُعْتَرَكِ فَلَمْ يُدْرَكْ حَتَّى مَاتَ . قَالَ وَأَمَّا مَنْ حُمِلَ مِنْهُمْ فَعَاشَ مَا شَاءَ اللَّهُ بَعْدَ ذَلِكَ فَإِنَّهُ يُغَسَّلُ وَيُصَلَّى عَلَيْهِ كَمَا عُمِلَ بِعُمَرَ بْنِ الْخَطَّابِ .

USC-MSA web (English) reference : Book 21, Hadith 37
Arabic reference : Book 21, Hadith 997

Yahya related to me from Malik from Yahya ibn Said that Umar ibn al-Khattab in one year gave 40,000 camels as mounts. Sometimes he would give one man a camel to himself. Sometimes he would give one camel between two men to take them to Iraq. A man from Iraq came to him and said, "Give Suhaym and I a mount.''Umar ibn al-Khattab said to him,"l demand from you, by Allah!, is Suhaym a water skin?" He said, "Yes."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَحْمِلُ فِي الْعَامِ الْوَاحِدِ عَلَى أَرْبَعِينَ أَلْفِ بَعِيرٍ يَحْمِلُ الرَّجُلَ إِلَى الشَّامِ عَلَى بَعِيرٍ وَيَحْمِلُ الرَّجُلَيْنِ إِلَى الْعِرَاقِ عَلَى بَعِيرٍ فَجَاءَهُ رَجُلٌ مِنْ أَهْلِ الْعِرَاقِ فَقَالَ احْمِلْنِي وَسُحَيْمًا . فَقَالَ لَهُ عُمَرُ بْنُ الْخَطَّابِ نَشَدْتُكَ اللَّهَ أَسُحَيْمٌ زِقٌّ قَالَ لَهُ نَعَمْ .

USC-MSA web (English) reference : Book 21, Hadith 38
Arabic reference : Book 21, Hadith 998

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik had said that when the Messenger of Allah, may Allah bless him and grant him peace, went to Quba, he visited Umm Haram bint Milhan and she fed him. Umm Haram was the wife of Ubada ibn as-Samit. One day the Messenger of Allah, may Allah bless him and grant him peace, had called on her and she had fed him, and sat down to delouse his hair. The Messenger of Allah, may Allah bless him and grant him peace, had dozed and woke up smiling. Umm Haram said, "What is making you smile, Messenger of Allah?" He said, "Some of my community were presented to me, raiding in the way of Allah. They were riding in the middle of the sea, kings on thrones, or like kings on thrones." (Ishaq wasn't sure). She said, "O Messenger of Allah! Ask Allah to put me among them!" So he had made a dua for her, and put his head down and slept. Then he had woken up smiling, and she said to him, "Messenger of Allah, why are you smiling?" He said, "Some of my community were presented to me, raiding in the way of Allah. They were kings on thrones or like kings on thrones," as he had said in the first one. She said, "O Messenger of Allah! Ask Allah to put me among them!" He said, "You are among the first."

Ishaq added, "She travelled on the sea in the time of Muawiya, and when she landed, she was thrown from her mount and killed."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِذَا ذَهَبَ إِلَى قُبَاءٍ يَدْخُلُ عَلَى أُمِّ حَرَامٍ بِنْتِ مِلْحَانَ فَتُطْعِمُهُ وَكَانَتْ أُمُّ حَرَامٍ تَحْتَ عُبَادَةَ بْنِ الصَّامِتِ فَدَخَلَ عَلَيْهَا رَسُولُ اللَّهِ صلى الله عليه وسلم يَوْمًا فَأَطْعَمَتْهُ وَجَلَسَتْ تَفْلِي فِي رَأْسِهِ فَنَامَ رَسُولُ اللَّهِ صلى الله عليه

USC-MSA web (English) reference : Book 21, Hadith 39
Arabic reference : Book 21, Hadith 999

Yahya related to me from Malik from Yahya ibn Said from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Had I not been concerned for my community, I would have liked never to stay behind a raiding party going out in the way of Allah. However, I do not find the means to carry them to it, nor do they find anything on which to ride out and it is grievous for them that they should stay behind me. I would like to fight in the way of Allah and be killed, then brought to life so I could be killed and then brought to life so I could be killed."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لَوْلاَ أَنْ أَشُقَّ عَلَى أُمَّتِي لأَحْبَبْتُ أَنْ لاَ أَتَخَلَّفَ عَنْ سَرِيَّةٍ تَخْرُجُ فِي سَبِيلِ اللَّهِ وَلَكِنِّي لاَ أَجِدُ مَا أَحْمِلُهُمْ عَلَيْهِ وَلاَ يَجِدُونَ مَا يَتَحَمَّلُونَ عَلَيْهِ فَيَخْرُجُونَ وَيَشُقُّ عَلَيْهِمْ أَنْ يَتَخَلَّفُوا بَعْدِي فَوَدِدْتُ أَنِّي أُقَاتِلُ فِي سَبِيلِ اللَّهِ فَأُقْتَلُ ثُمَّ أُحْيَا فَأُقْتَلُ ثُمَّ أُحْيَا فَأُقْتَلُ " .

USC-MSA web (English) reference : Book 21, Hadith 40
Arabic reference : Book 21, Hadith 1000

Yahya related to me from Malik that Yahya ibn Said said, "On the Day of Uhud, The Messenger of Allah, may Allah bless him and grant him peace, said, 'Who will bring me news of Sad ibn al-Rabi al-Ansari?' a man said, 'Me, Messenger of Allah!' So the man went around among the slain, and Sad ibn al-Rabi said to him, 'What are you doing?' The man said to him, 'The Messenger of Allah, may Allah bless him and grant him peace, sent me to bring him news of you.' He said, 'Go to him, and give him my greetings, and tell him that I have been stabbed twelve times, and am mortally wounded. Tell your people that they will have no excuse with Allah if the Messenger of Allah, may Allah bless him and grant him peace, is slain while one of them is still alive.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ لَمَّا كَانَ يَوْمُ أُحُدٍ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَنْ يَأْتِينِي بِخَبَرِ سَعْدِ بْنِ الرَّبِيعِ الأَنْصَارِيِّ " . فَقَالَ رَجُلٌ أَنَا يَا رَسُولَ اللَّهِ . فَذَهَبَ الرَّجُلُ يَطُوفُ بَيْنَ الْقَتْلَى فَقَالَ لَهُ سَعْدُ بْنُ الرَّبِيعِ مَا شَأْنُكَ فَقَالَ لَهُ الرَّجُلُ بَعَثَنِي إِلَيْكَ رَسُولُ اللَّهِ صلى الله عليه وسلم لآتِيَهُ بِخَبَرِكَ . قَالَ فَاذْهَبْ إِلَيْهِ فَأَقْرِئْهُ مِنِّي السَّلاَمَ وَأَخْبِرْهُ أَنِّي قَدْ طُعِنْتُ اثْنَتَىْ عَشْرَةَ طَعْنَةً وَأَنِّي قَدْ أُنْفِذَتْ مَقَاتِلِي وَأَخْبِرْ قَوْمَكَ أَنَّهُ لاَ عُذْرَ لَهُمْ عِنْدَ اللَّهِ إِنْ قُتِلَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَوَاحِدٌ مِنْهُمْ حَىٌّ .

USC-MSA web (English) reference : Book 21, Hadith 41
Arabic reference : Book 21, Hadith 1001

Yahya related to me from Malik from Yahya ibn Said that the Messenger of Allah, may Allah bless him and grant him peace, stimulated people for jihad and mentioned the Garden. One of the Ansar was eating some dates in his hand, and said, "Am I so desirous of this world that I should sit until I finish them?" He threw aside what was in his hand and took his sword, and fought until he was slain .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم رَغَّبَ فِي الْجِهَادِ وَذَكَرَ الْجَنَّةَ وَرَجُلٌ مِنَ الأَنْصَارِ يَأْكُلُ تَمَرَاتٍ فِي يَدِهِ فَقَالَ إِنِّي لَحَرِيصٌ عَلَى الدُّنْيَا إِنْ جَلَسْتُ حَتَّى أَفْرُغَ مِنْهُنَّ . فَرَمَى مَا فِي يَدِهِ فَحَمَلَ بِسَيْفِهِ فَقَاتَلَ حَتَّى قُتِلَ .

USC-MSA web (English) reference : Book 21, Hadith 42
Arabic reference : Book 21, Hadith 1002

Yahya related to me from Malik from Yahya ibn Said that Muadh ibn Jabal said, "There are two military expeditions. There is one military expedition in which valuables are spent, the contributor is willing, the authorities are obeyed, and corruption is avoided. That military expedition is all good. There is a military expedition in which valuables are not spent, the contributor is not willing, the authorities are not obeyed, and corruption is not avoided. The one who fights in that military expedition does not return with reward."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُعَاذِ بْنِ جَبَلٍ، أَنَّهُ قَالَ الْغَزْوُ غَزْوَانِ فَغَزْوٌ تُنْفَقُ فِيهِ الْكَرِيمَةُ وَيُيَاسَرُ فِيهِ الشَّرِيكُ وَيُطَاعُ فِيهِ ذُو الأَمْرِ وَيُجْتَنَبُ فِيهِ الْفَسَادُ فَذَلِكَ الْغَزْوُ خَيْرٌ كُلُّهُ وَغَزْوٌ لاَ تُنْفَقُ فِيهِ الْكَرِيمَةُ وَلاَ يُيَاسَرُ فِيهِ الشَّرِيكُ وَلاَ يُطَاعُ فِيهِ ذُو الأَمْرِ وَلاَ يُجْتَنَبُ فِيهِ الْفَسَادُ فَذَلِكَ الْغَزْوُ لاَ يَرْجِعُ صَاحِبُهُ كَفَافًا .

USC-MSA web (English) reference : Book 21, Hadith 43
Arabic reference : Book 21, Hadith 1003

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Blessing is in the forelocks of horses until the Day of Rising."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الْخَيْلُ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ " .

USC-MSA web (English) reference : Book 21, Hadith 44
Arabic reference : Book 21, Hadith 1004

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, held a race between horses which had been made lean by training, from al-Hafya to Thaniyatu-lWada. He held a race between horses which had not been made lean from the Thaniya (a mountain pass near Madina) to the mosque of the Banu Zurayq. Abdullah ibn Umar was among those who raced them .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سَابَقَ بَيْنَ الْخَيْلِ الَّتِي قَدْ أُضْمِرَتْ مِنَ الْحَفْيَاءِ وَكَانَ أَمَدُهَا ثَنِيَّةَ الْوَدَاعِ وَسَابَقَ بَيْنَ الْخَيْلِ الَّتِي لَمْ تُضَمَّرْ مِنَ الثَّنِيَّةِ إِلَى مَسْجِدِ بَنِي زُرَيْقٍ وَأَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ كَانَ مِمَّنْ سَابَقَ بِهَا .

USC-MSA web (English) reference : Book 21, Hadith 45
Arabic reference : Book 21, Hadith 1005

Yahya related to me from Malik that Yahya ibn Said heard Said ibn al-Musayyab say, "There is no harm in placing stakes on horses if a third horse enters it. The winner takes the stake, and there is no fine against the loser."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ لَيْسَ بِرِهَانِ الْخَيْلِ بَأْسٌ إِذَا دَخَلَ فِيهَا مُحَلِّلٌ فَإِنْ سَبَقَ أَخَذَ السَّبَقَ وَإِنْ سُبِقَ لَمْ يَكُنْ عَلَيْهِ شَىْءٌ .

USC-MSA web (English) reference : Book 21, Hadith 46
Arabic reference : Book 21, Hadith 1006

Yahya related to me from Malik from Yahya ibn Said that the Messenger of Allah, may Allah bless him and grant him peace, was seen wiping the face of his horse with his cloak. He was questioned about it and said, "I was reproached in the night about horses." i.e. not taking care of them.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم رُئِيَ وَهُوَ يَمْسَحُ وَجْهَ فَرَسِهِ بِرِدَائِهِ فَسُئِلَ عَنْ ذَلِكَ فَقَالَ " إِنِّي عُوتِبْتُ اللَّيْلَةَ فِي الْخَيْلِ " .

USC-MSA web (English) reference : Book 21, Hadith 47
Arabic reference : Book 21, Hadith 1007

Yahya related to me from Malik from Humayd at-Tawil from Anas ibn Malik that when the Messenger of Allah, may Allah bless him and grant him peace, went out to Khaybar, he arrived there at night, and when he came upon a people by night, he did not attack until morning. In the morning, the jews came out with their spades and baskets. When they saw him, they said, "Muhammad! By Allah, Muhammad and his army!" The Messenger of Allah, may Allah bless him and grant him peace, said "Allah is greater! Khaybar is destroyed. When we come to a people, it is an evil morning for those who have been warned . "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم حِينَ خَرَجَ إِلَى خَيْبَرَ أَتَاهَا لَيْلاً وَكَانَ إِذَا أَتَى قَوْمًا بِلَيْلٍ لَمْ يُغِرْ حَتَّى يُصْبِحَ فَخَرَجَتْ يَهُودُ بِمَسَاحِيهِمْ وَمَكَاتِلِهِمْ فَلَمَّا رَأَوْهُ قَالُوا مُحَمَّدٌ وَاللَّهِ مُحَمَّدٌ وَالْخَمِيسُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اللَّهُ أَكْبَرُ خَرِبَتْ خَيْبَرُ إِنَّا إِذَا نَزَلْنَا بِسَاحَةِ قَوْمٍ فَسَاءَ صَبَاحُ الْمُنْذَرِينَ " .

USC-MSA web (English) reference : Book 21, Hadith 48
Arabic reference : Book 21, Hadith 1008

Yahya related to me from Malik from Ibn Shihab from Humayd ibn Abd ar-Rahman ibn Awf from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever hands over two of any type of property in the way of Allah is called to the Garden, with the words 'O slave of Allah! This is good!' Whoever is among the people of prayer, is called from the gate of prayer. Whoever is among the people of jihad is called from the gate of jihad. Whoever is among the people of sadaqa, is called from the gate of sadaqa. Whoever is among the people of fasting, is called from the gate of the well- watered. (Bab ar-Rayyan)."

Abu Bakr as-Siddiq said, "Messenger of Allah! Is it absolutely necessary that one be called from one of these gates? Can someone be called from all of these gates?" He said, "Yes, and I hope you are among them ."
21.20 Acquisition of the Land of Those who Surrender from the People of Dhimma

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ أَنْفَقَ زَوْجَيْنِ فِي سَبِيلِ اللَّهِ نُودِيَ فِي الْجَنَّةِ يَا عَبْدَ اللَّهِ هَذَا خَيْرٌ فَمَنْ كَانَ مِنْ أَهْلِ الصَّلاَةِ دُعِيَ مِنْ بَابِ الصَّلاَةِ وَمَنْ كَانَ مِنْ أَهْلِ الْجِهَادِ دُعِيَ مِنْ بَابِ الْجِهَادِ وَمَنْ كَانَ مِنْ أَهْلِ الصَّدَقَةِ دُعِيَ مِنْ بَابِ الصَّدَقَةِ وَمَنْ كَانَ مِنْ أَهْلِ الصِّيَامِ دُعِيَ مِنْ بَابِ الرَّيَّانِ " . فَقَالَ أَبُو بَكْرٍ الصِّدِّيقُ يَا رَسُولَ اللَّهِ مَا عَلَى مَنْ يُدْعَى مِنْ هَذِهِ الأَبْوَابِ مِنْ ضَرُورَةٍ فَهَلْ يُدْعَى أَحَدٌ مِنْ هَذِهِ الأَبْوَابِ كُلِّهَا قَالَ " نَعَمْ وَأَرْجُو أَنْ تَكُونَ مِنْهُمْ " .

USC-MSA web (English) reference : Book 21, Hadith 49
Arabic reference : Book 21, Hadith 1009

Malik was asked whether, when an imam had accepted jizya from a people and they gave it, he thought that the land of one of them who surrendered belonged to him or whether his land and property belonged to the Muslims. Malik said, "That varies. As for the people of peace, if one of them surrenders, then he is entitled to his land and property. As for the people of force who use force, if one of them surrenders, his land and property belong to the Muslims because the people of force are overcome in their towns, and it becomes booty for the Muslims. As for the people of peace, their property and selves are protected so that they make peace for them. Only what they have made peace for is obliged of them."

USC-MSA web (English) reference : Book 21, Hadith 49

Yahya related to me from Malik from Abd ar-Rahman ibn Abi Sasaca that he had heard that Amr ibn al-Jamuh al-Ansari and Abdullah ibn Umar al-Ansari, both of the tribe of Banu Salami, had their grave uncovered by a flood. Their grave was part of what was left after the flood. They were in the same grave, and they were among those martyred at Uhud. They were dug up so that they might be moved. They were found unchanged. It was as if they had died only the day before. One of them had been wounded, and he had put his hand over his wound and had been buried like that. His hand was pulled away from his wound and released, and it returned to where it had been. It was forty-six years between Uhud and the day they were dug up.

Malik said, "There is no harm in burying two or three men in the same grave due to necessity. The oldest one is put next to the qibla."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي صَعْصَعَةَ، أَنَّهُ بَلَغَهُ أَنَّ عَمْرَو بْنَ الْجَمُوحِ، وَعَبْدَ اللَّهِ بْنَ عَمْرٍو الأَنْصَارِيَّيْنِ، ثُمَّ السَّلَمِيَّيْنِ كَانَا قَدْ حَفَرَ السَّيْلُ قَبْرَهُمَا وَكَانَ قَبْرُهُمَا مِمَّا يَلِي السَّيْلَ وَكَانَا فِي قَبْرٍ وَاحِدٍ وَهُمَا مِمَّنِ اسْتُشْهِدَ يَوْمَ أُحُدٍ فَحُفِرَ عَنْهُمَا لِيُغَيَّرَا مِنْ مَكَانِهِمَا فَوُجِدَا لَمْ يَتَغَيَّرَا كَأَنَّهُمَا مَاتَا بِالأَمْسِ وَكَانَ أَحَدُهُمَا قَدْ جُرِحَ فَوَضَعَ يَدَهُ عَلَى جُرْحِهِ فَدُفِنَ وَهُوَ كَذَلِكَ فَأُمِيطَتْ يَدُهُ عَنْ جُرْحِهِ ثُمَّ أُرْسِلَتْ فَرَجَعَتْ كَمَا كَانَتْ وَكَانَ بَيْنَ أُحُدٍ وَبَيْنَ يَوْمَ حُفِرَ عَنْهُمَا سِتٌّ وَأَرْبَعُونَ سَنَةً . قَالَ مَالِكٌ لاَ بَأْسَ أَنْ يُدْفَنَ الرَّجُلاَنِ وَالثَّلاَثَةُ فِي قَبْرٍ وَاحِدٍ مِنْ ضَرُورَةٍ وَيُجْعَلَ الأَكْبَرُ مِمَّا يَلِي الْقِبْلَةَ .

USC-MSA web (English) reference : Book 21, Hadith 50
Arabic reference : Book 21, Hadith 1010

Yahya related to me from Malik that Rabia ibn Abi Abd ar-Rahman said, "Property was sent to Abu Bakr as-Siddiq from Bahrayn. He said, 'If someone had a promise or a pledge with the Messenger of Allah, may Allah bless him and grant him peace, let him come to me.' So Jabir ibn Abdullah came to him, and he gave him three times as much of it as would fill both hands.''

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّهُ قَالَ قَدِمَ عَلَى أَبِي بَكْرٍ الصِّدِّيقِ مَالٌ مِنَ الْبَحْرَيْنِ فَقَالَ مَنْ كَانَ لَهُ عِنْدَ رَسُولِ اللَّهِ صلى الله عليه وسلم وَأْىٌ أَوْ عِدَةٌ فَلْيَأْتِنِي فَجَاءَهُ جَابِرُ بْنُ عَبْدِ اللَّهِ فَحَفَنَ لَهُ ثَلاَثَ حَفَنَاتٍ .

USC-MSA web (English) reference : Book 21, Hadith 51
Arabic reference : Book 21, Hadith 1011

22 - Vows and Oaths كتاب النذور والأيمان

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Abdullah ibn Abbas that Sad ibn Ubada questioned the Messenger of Allah, may Allah bless him and grant him peace, and said,"My mother died while she still had a vow which she had not fulfilled." The Messenger of Allah, may Allah bless him and grant him peace, said, "Fulfill it for her."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ سَعْدَ بْنَ عُبَادَةَ، اسْتَفْتَى رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا نَذْرٌ وَلَمْ تَقْضِهِ ‏.‏ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ اقْضِهِ عَنْهَا ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 22, Hadith 1
Arabic reference : Book 22, Hadith 1012

Yahya related to me from Malik from

Abdullah ibn Abi Bakr that his paternal aunt related that her grandmother made a vow to walk to the Quba mosque. She died, and did not fulfill it, so Abdullah ibn Abbas asked her daughter to walk for her.
Yahya said that he had heard Malik say, "No one walks for anyone else."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمَّتِهِ، أَنَّهَا حَدَّثَتْهُ عَنْ جَدَّتِهِ، أَنَّهَا كَانَتْ جَعَلَتْ عَلَى نَفْسِهَا مَشْيًا إِلَى مَسْجِدِ قُبَاءٍ فَمَاتَتْ وَلَمْ تَقْضِهِ فَأَفْتَى عَبْدُ اللَّهِ بْنُ عَبَّاسٍ ابْنَتَهَا أَنْ تَمْشِيَ عَنْهَا ‏.‏ قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا يَقُولُ لاَ يَمْشِي أَحَدٌ عَنْ أَحَدٍ ‏.‏

USC-MSA web (English) reference : Book 22, Hadith 2
Arabic reference : Book 22, Hadith 1013

Yahya related to me from Malik that Abdullah ibn Abi Habiba said, "I said to a man, when I was young, 'A man who only says that he must walk to the House of Allah and does not say that he has vowed to walk, does not have to walk.' A man said, 'Shall I give you this small cucumber?' and he had a small cucumber in his hand and you will say, 'I must walk to the house of Allah?' I said, 'Yes' and I said it, for at that time I was still immature. Then, when I came of age, some one said to me that I had to fulfill my vow. I went and asked Said ibn al- Musayyab about it, and he said to me, 'You must walk.' So I walked."

Malik said, "That is the custom among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي حَبِيبَةَ، قَالَ قُلْتُ لِرَجُلٍ وَأَنَا حَدِيثُ السِّنِّ، مَا عَلَى الرَّجُلِ أَنْ يَقُولَ عَلَىَّ مَشْىٌ إِلَى بَيْتِ اللَّهِ وَلَمْ يَقُلْ عَلَىَّ نَذْرُ مَشْيٍ ‏.‏ فَقَالَ لِي رَجُلٌ هَلْ لَكَ أَنْ أُعْطِيَكَ هَذَا الْجِرْوَ - لِجِرْوِ قِثَّاءٍ فِي يَدِهِ - وَتَقُولُ عَلَىَّ مَشْىٌ إِلَى بَيْتِ اللَّهِ قَالَ فَقُلْتُ نَعَمْ فَقُلْتُهُ وَأَنَا يَوْمَئِذٍ حَدِيثُ السِّنِّ ثُمَّ مَكَثْتُ حَتَّى عَقَلْتُ فَقِيلَ لِي إِنَّ عَلَيْكَ مَشْيًا فَجِئْتُ سَعِيدَ بْنَ الْمُسَيَّبِ فَسَأَلْتُهُ عَنْ ذَلِكَ فَقَالَ لِي عَلَيْكَ مَشْىٌ ‏.‏ فَمَشَيْتُ ‏.‏ قَالَ مَالِكٌ وَهَذَا الأَمْرُ عِنْدَنَا ‏.‏

USC-MSA web (English) reference : Book 22, Hadith 3
Arabic reference : Book 22, Hadith 1014

Yahya related to me from Malik that Urwa ibn Udhayna al-Laythi said, "I went out with my grandmother who had vowed to walk to the House of Allah. When we had gone part of the way, she could not go on. I sent one of her mawlas to question Abdullah ibn Umar and I went with him. He asked Abdullah ibn Umar, and Abdullah ibn Umar said to him, 'Take her and let her ride, and when she has the strength let her ride back, and start to walk from the place from which she was unable to go on.'~

Yahya said that he had heard Malik say, "I think that she must sacrifice an animal."
Yahya related to me from Malik that he had heard that Said ibn al-Musayyab and Abu Salama ibn Abd ar- Rahman said the same as Abdullah ibn Umar.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عُرْوَةَ بْنِ أُذَيْنَةَ اللَّيْثِيِّ، أَنَّهُ قَالَ خَرَجْتُ مَعَ جَدَّةٍ لِي عَلَيْهَا مَشْىٌ إِلَى بَيْتِ اللَّهِ حَتَّى إِذَا كُنَّا بِبَعْضِ الطَّرِيقِ عَجَزَتْ فَأَرْسَلَتْ مَوْلًى لَهَا يَسْأَلُ عَبْدَ اللَّهِ بْنَ عُمَرَ فَخَرَجْتُ مَعَهُ فَسَأَلَ عَبْدَ اللَّهِ بْنَ عُمَرَ فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ عُمَرَ مُرْهَا فَلْتَرْكَبْ ثُمَّ لْتَمْشِي مِنْ حَيْثُ عَجَزَتْ . قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا يَقُولُ وَنَرَى عَلَيْهَا مَعَ ذَلِكَ الْهَدْىَ .

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، وَأَبَا، سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ كَانَا يَقُولاَنِ مِثْلَ قَوْلِ عَبْدِ اللَّهِ بْنِ عُمَرَ .

USC-MSA web (English) reference : Book 22, Hadith 4
Arabic reference : Book 22, Hadith 1015

Yahya related to me from Malik that Yahya ibn Said said, "I vowed to walk, but I was struck by a pain in the kidney, so I rode until I came to Makka. I questioned Ata ibn Abi Rabah and others, and they said, 'You must sacrifice an animal.' When I came to Madina I questioned the ulama there, and they ordered me to walk again from the place from which I was unable to go on. So I walked."

Yahya said that he had heard Malik say, "What is done among us regarding someone who makes a vow to walk to the House of Allah, and then cannot do it and so rides, is that he must return and walk from the place from which he was unable to go on. If he cannot walk, he should walk what he can and then ride, and he must sacrifice a camel, a cow, or a sheep if that is all that he can find."
Malik, when asked about a man who said to another, "I will carry you to the House of Allah", answered, "If he intended to carry him on his shoulder, by that he meant hardship and exhaustion to himself, and he does not have to do that. Let him walk by foot and make sacrifice. If he did not intend anything, let him do hajj and ride, and take the man on hajj with him. That is because he said, 'I will carry you to the house of Allah.' If the man refuses to do hajj with him, then there is nothing against him, and what is demanded of him is cancelled."
Yahya said that Malik was asked whether it was enough for a man who had made a vow that he would walk to the House of Allah a certain (large) number of times, or who had forbidden himself from talking to his father and brother, if he did not fulfil a certain vow, and he had taken upon himself, by the oath, something which he was incapable of fulfilling in his lifetime, even though he were to try every year, to fulfil only one or a (smaller) number of vows by Allah? Malik said, "The only satisfaction for that that I know is fulfilling what he has obliged himself to do. Let him walk for as long as he is able and draw near Allah the Exalted by what he can of good."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ كَانَ عَلَىَّ مَشْىٌ فَأَصَابَتْنِي خَاصِرَةٌ فَرَكِبْتُ حَتَّى أَتَيْتُ مَكَّةَ فَسَأَلْتُ عَطَاءَ بْنَ أَبِي رَبَاحٍ وَغَيْرَهُ فَقَالُوا عَلَيْكَ هَدْىٌ . فَلَمَّا قَدِمْتُ الْمَدِينَةَ سَأَلْتُ عُلَمَاءَهَا فَأَمَرُونِي أَنْ أَمْشِيَ مَرَّةً أُخْرَى مِنْ حَيْثُ عَجَزْتُ فَمَشَيْتُ . قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا يَقُولُ فَالأَمْرُ عِنْدَنَا فِيمَنْ يَقُولُ عَلَىَّ مَشْىٌ إِلَى بَيْتِ اللَّهِ أَنَّهُ إِذَا عَجَزَ رَكِبَ ثُمَّ عَادَ فَمَشَى مِنْ حَيْثُ عَجَزَ فَإِنْ كَانَ لاَ يَسْتَطِيعُ الْمَشْىَ فَلْيَمْشِ مَا قَدَرَ عَلَيْهِ ثُمَّ لْيَرْكَبْ وَعَلَيْهِ هَدْىُ بَدَنَةٍ أَوْ بَقَرَةٍ أَوْ شَاةٍ إِنْ لَمْ يَجِدْ إِلاَّ هِيَ . وَسُئِلَ مَالِكٌ عَنِ الرَّجُلِ يَقُولُ لِلرَّجُلِ أَنَا أَحْمِلُكَ إِلَى بَيْتِ اللَّهِ فَقَالَ مَالِكٌ إِنْ نَوَى أَنْ يَحْمِلَهُ عَلَى رَقَبَتِهِ يُرِيدُ بِذَلِكَ الْمَشَقَّةَ وَتَعَبَ نَفْسِهِ

فَلَيْسَ ذَلِكَ عَلَيْهِ وَلْيَمْشِ عَلَى رِجْلَيْهِ وَلْيُهْدِ وَإِنْ لَمْ يَكُنْ نَوَى شَيْئًا فَلْيَحْجُجْ وَلْيَرْكَبْ وَلْيَحْجُجْ بِذَلِكَ الرَّجُلِ مَعَهُ وَذَلِكَ أَنَّهُ قَالَ أَنَا أَحْمِلُكَ إِلَى بَيْتِ اللَّهِ فَإِنْ أَبَى أَنْ يَحُجَّ مَعَهُ فَلَيْسَ عَلَيْهِ شَىْءٌ وَقَدْ قَضَى مَا عَلَيْهِ . قَالَ يَحْيَى سُئِلَ مَالِكٌ عَنِ الرَّجُلِ يَحْلِفُ بِنُذُورٍ مُسَمَّاةٍ مَشْيًا إِلَى بَيْتِ اللَّهِ أَنْ لاَ يُكَلِّمَ أَخَاهُ أَوْ أَبَاهُ بِكَذَا وَكَذَا نَذْرًا لِشَىْءٍ لاَ يَقْوَى عَلَيْهِ وَلَوْ تَكَلَّفَ ذَلِكَ كُلَّ عَامٍ لَعُرِفَ أَنَّهُ لاَ يَبْلُغُ عُمْرُهُ مَا جَعَلَ عَلَى نَفْسِهِ مِنْ ذَلِكَ فَقِيلَ لَهُ هَلْ يُجْزِيهِ مِنْ ذَلِكَ نَذْرٌ وَاحِدٌ أَوْ نُذُورٌ مُسَمَّاةٌ فَقَالَ مَالِكٌ مَا أَعْلَمُهُ يُجْزِئُهُ مِنْ ذَلِكَ إِلاَّ الْوَفَاءُ بِمَا جَعَلَ عَلَى نَفْسِهِ فَلْيَمْشِ مَا قَدَرَ عَلَيْهِ مِنَ الزَّمَانِ وَلْيَتَقَرَّبْ إِلَى اللَّهِ تَعَالَى بِمَا اسْتَطَاعَ مِنَ الْخَيْرِ .

USC-MSA web (English) reference : Book 22, Hadith 5
Arabic reference : Book 22, Hadith 1017

Yahya related to me from Malik that what he preferred of what he had heard from the people of knowledge about a man or woman who vowed to walk to the House of Allah, was that they fulfilled the oath when performing umra, by walking until they had done say between Safa and Marwa. When they had done say it was finished. If they vowed to walk in the hajj, they walked until they came to Makka, then they walked until they had finished all the rites.

Malik said, "Walking is only for hajj or umra."

USC-MSA web (English) reference : Book 22, Hadith 5

Yahya related to me from Malik that Humayd ibn Qays and Thawr ibn Zayd adDili both informed him that the Messenger of Allah, may Allah bless him and grant him peace, (and one of them gave more detail than the other),saw a man standing in the sun. The Messenger asked, "What's wrong with him?" The people said, "He has vowed not to speak or to seek shade from the sun or to sit and to fast." The Messenger of Allah, may Allah bless him and grant him peace, said, "Go and tell him to speak, seek shade, and sit, but let him complete his fast."

Malik said, "I have not heard that the Messenger of Allah, may Allah bless him and grant him peace, ordered the man in question to do any kaffara. The Messenger of Allah, may Allah bless him and grant him peace, only ordered him to complete that in which there was obedience to Allah and to abandon that in which there was disobedience to Allah."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ حُمَيْدِ بْنِ قَيْسٍ، وَثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، أَنَّهُمَا أَخْبَرَاهُ عَنْ رَسُولِ اللَّهِ صلى الله عليه وسلم وَأَحَدُهُمَا يَزِيدُ فِي الْحَدِيثِ عَلَى صَاحِبِهِ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم رَأَى رَجُلاً قَائِمًا فِي الشَّمْسِ فَقَالَ " مَا بَالُ هَذَا " . فَقَالُوا نَذَرَ أَنْ لاَ يَتَكَلَّمَ وَلاَ يَسْتَظِلَّ مِنَ الشَّمْسِ وَلاَ يَجْلِسَ وَيَصُومَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مُرُوهُ فَلْيَتَكَلَّمْ وَلْيَسْتَظِلَّ وَلْيَجْلِسْ وَلْيُتِمَّ صِيَامَهُ " . قَالَ مَالِكٌ وَلَمْ أَسْمَعْ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَمَرَهُ بِكَفَّارَةٍ وَقَدْ أَمَرَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ يُتِمَّ مَا كَانَ لِلَّهِ طَاعَةً وَيَتْرُكَ مَا كَانَ لِلَّهِ مَعْصِيَةً .

USC-MSA web (English) reference : Book 22, Hadith 6
Arabic reference : Book 22, Hadith 1018

Yahya related to me from Malik that Yahya ibn Said heard al-Qasim ibn Muhammad say, "A woman came to Abdullah ibn Abbas and said, 'I have vowed to sacrifice my son.' Ibn Abbas said, 'Do not sacrifice your son. Do kaffara for your oath.' An old man with Ibn Abbas said, 'What kaffara is there for this?' Ibn Abbas said, 'Allah the Exalted said, "Those of you who say, regarding their wives.'Be as my mother's back' (Sura58 ayat 2) and then He went on to oblige the kaffara for it as you have seen.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ سَمِعَهُ يَقُولُ أَتَتِ امْرَأَةٌ إِلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ فَقَالَتْ إِنِّي نَذَرْتُ أَنْ أَنْحَرَ ابْنِي . فَقَالَ ابْنُ عَبَّاسٍ لاَ تَنْحَرِي ابْنَكِ وَكَفِّرِي عَنْ يَمِينِكِ، . فَقَالَ شَيْخٌ عِنْدَ ابْنِ عَبَّاسٍ وَكَيْفَ يَكُونُ فِي هَذَا كَفَّارَةٌ فَقَالَ ابْنُ عَبَّاسٍ إِنَّ اللَّهَ تَعَالَى قَالَ وَ {الَّذِينَ يُظَاهِرُونَ مِنْكُمْ مِنْ نِسَائِهِمْ} ثُمَّ جَعَلَ فِيهِ مِنَ الْكَفَّارَةِ مَا قَدْ رَأَيْتَ .

USC-MSA web (English) reference : Book 22, Hadith 7
Arabic reference : Book 22, Hadith 1019

Yahya related to me from Malik from Talha ibn Abi al-Malik al- Ayli from al-Qasim ibn Muhammad ibn as-Siddiq from A'isha that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever vows to obey Allah, let him obey Him. Whoever vows to disobey Allah, let him not disobey Him."

Yahya said that he had heard Malik say, "The meaning of the statement of the Prophet, may Allah bless him and grant him peace, 'Whoever vows to disobey Allah, let him not disobey Him' is that for instance a man who vows that, if he speaks to such-and-such a person, he will walk to Syria, Egypt, or any other such things which are not considered as ibada, is not under any obligation by any of that, even if he did speak to the man or did break whatever it was he swore, because Allah does not demand obedience in such things. He should only fulfill those things in which there is obedience to Allah."

22.5 Rashness in Oaths

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ طَلْحَةَ بْنِ عَبْدِ الْمَلِكِ الأَيْلِيِّ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ الصِّدِّيقِ، عَنْ عَائِشَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ نَذَرَ أَنْ يُطِيعَ اللَّهَ فَلْيُطِعْهُ وَمَنْ نَذَرَ أَنْ يَعْصِيَ اللَّهَ فَلاَ يَعْصِهِ " .

USC-MSA web (English) reference : Book 22, Hadith 8
Arabic reference : Book 22, Hadith 1020

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin said, "Rashness in oaths is that a man says, 'By Allah, No! by Allah!' " i.e. out of habit.

Malik said, "The best of what I have heard on the matter is that rashness in oaths is that a man take an oath on something to show that he is certain that it is like he said, only to find that it is other than what he said. This is rashness."

Malik said, "The binding oath is for example, that a man says that he will not sell his garment for ten dinars, and then he sells it for that, or that he will beat his young slave and then does not beat him, and so on. One does kaffara for making such an oath, and there is no kaffara in rashness."

Malik said, "As for the one who swears to a thing which he knows is wicked, and he swears to a lie he knows to be a lie, in order to please someone with it or to excuse himself to someone by it or to gain money by it, no kaffara that he does for it can cover it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا كَانَتْ تَقُولُ لَغْوُ الْيَمِينِ قَوْلُ الإِنْسَانِ لاَ وَاللَّهِ بَلَى وَاللَّهِ . قَالَ مَالِكٌ أَحْسَنُ مَا سَمِعْتُ فِي هَذَا أَنَّ اللَّغْوَ حَلِفُ الإِنْسَانِ عَلَى الشَّىْءِ يَسْتَيْقِنُ أَنَّهُ كَذَلِكَ ثُمَّ يُوجَدُ عَلَى غَيْرِ ذَلِكَ فَهُوَ اللَّغْوُ . قَالَ مَالِكٌ وَعَقْدُ الْيَمِينِ أَنْ يَحْلِفَ الرَّجُلُ أَنْ لاَ يَبِيعَ ثَوْبَهُ بِعَشَرَةِ دَنَانِيرَ ثُمَّ يَبِيعَهُ بِذَلِكَ أَوْ يَحْلِفَ لَيَضْرِبَنَّ غُلاَمَهُ ثُمَّ لاَ يَضْرِبُهُ وَنَحْوَ هَذَا فَهَذَا الَّذِي يُكَفِّرُ صَاحِبُهُ عَنْ يَمِينِهِ وَلَيْسَ فِي اللَّغْوِ كَفَّارَةٌ . قَالَ مَالِكٌ فَأَمَّا الَّذِي يَحْلِفُ عَلَى الشَّىْءِ وَهُوَ يَعْلَمُ أَنَّهُ آثِمٌ وَيَحْلِفُ عَلَى الْكَذِبِ وَهُوَ يَعْلَمُ لِيُرْضِيَ بِهِ أَحَدًا أَوْ لِيَعْتَذِرَ بِهِ إِلَى مُعْتَذَرٍ إِلَيْهِ أَوْ لِيَقْطَعَ بِهِ مَالاً فَهَذَا أَعْظَمُ مِنْ أَنْ تَكُونَ فِيهِ كَفَّارَةٌ .

USC-MSA web (English) reference : Book 22, Hadith 9
Arabic reference : Book 22, Hadith 1021

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "Whoever swears by Allah and then says, 'Allah willing' and then does not do what he has sworn to, has not broken his oath."

Malik said, "The best I have heard on this reservation is that it belongs to the statement made if the speaker does not break the normal flow of speech before he is silent. If he is silent and breaks the flow of speech, he has no exception."
Yahya said, "Malik said that a man who said that he had disbelieved or associated something with Allah and then he broke his oath, had no kaffara, and he was not a disbeliever or one who associated something with Allah unless his heart concealed something of either of those. He should ask forgiveness of Allah and not return to it - for what he did was evil."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ مَنْ قَالَ وَاللَّهِ ثُمَّ قَالَ إِنْ شَاءَ اللَّهُ ثُمَّ لَمْ يَفْعَلِ الَّذِي حَلَفَ عَلَيْهِ لَمْ يَحْنَثْ . قَالَ مَالِكٌ أَحْسَنُ مَا سَمِعْتُ فِي الثُّنْيَا أَنَّهَا لِصَاحِبِهَا مَا لَمْ يَقْطَعْ كَلاَمَهُ وَمَا كَانَ مِنْ ذَلِكَ نَسَقًا يَتْبَعُ بَعْضُهُ بَعْضًا قَبْلَ أَنْ يَسْكُتَ فَإِذَا سَكَتَ وَقَطَعَ كَلاَمَهُ فَلاَ ثُنْيَا لَهُ . قَالَ يَحْيَى وَقَالَ مَالِكٌ فِي الرَّجُلِ يَقُولُ كَفَرَ بِاللَّهِ أَوْ أَشْرَكَ بِاللَّهِ ثُمَّ يَحْنَثُ إِنَّهُ لَيْسَ عَلَيْهِ كَفَّارَةٌ وَلَيْسَ بِكَافِرٍ وَلاَ مُشْرِكٍ حَتَّى يَكُونَ قَلْبُهُ مُضْمِرًا عَلَى الشِّرْكِ وَالْكُفْرِ وَلْيَسْتَغْفِرِ اللَّهَ وَلاَ يَعُدْ إِلَى شَىْءٍ مِنْ ذَلِكَ وَبِئْسَ مَا صَنَعَ .

USC-MSA web (English) reference : Book 22, Hadith 10
Arabic reference : Book 22, Hadith 1022

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever makes an oath and then sees that something else would be better than it, should do kaffara for his oath and do what is better."

Yahya said that he heard Malik say, "Anyone who says that he has a vow but does not mention the name of Allah, is still obliged to make the kaffara for an oath (if he breaks it)".
Malik said, "Emphasis is when a man swears one thing several times, repeating the oath in his speech time after time. For instance, the statement, 'By Allah, I will not decrease it from such-and-such,' sworn three times or more. The kaffara of that is like the kaffara of one oath. If a man swears, 'I will not eat this food or wear these clothes or enter this house,' that is all in one oath, and he is only obliged to do one kaffara. It is the same for a man who says to his wife, 'You are divorced if I clothe you in this garment or let you go to the mosque,' and it is one entire statement in the normal pattern of speech. If he breaks any of that oath, divorce is necessary, and there is no breaking of oath after that in whatever he does. There is only one oath to be broken in that."
Malik said, "What we do about a woman who makes a vow without her husband's permission is that she is allowed to do so and she must fulfill it, if it only concerns her own person and will not harm her husband. If, however, it will harm her husband, he may forbid her to fulfill it, but it remains an obligation against her until she has the opportunity to complete it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ حَلَفَ بِيَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا فَلْيُكَفِّرْ عَنْ يَمِينِهِ وَلْيَفْعَلِ الَّذِي هُوَ خَيْرٌ " .

USC-MSA web (English) reference : Book 22, Hadith 11
Arabic reference : Book 22, Hadith 1023

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "If someone breaks an oath which he has stressed, he has to free a slave, or clothe ten poor people. If someone breaks an oath, but has not stressed it, he only has to feed ten poor people and each poor person is fed a mudd of wheat. Some one who does not have the means for that, should fast for three days."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ مَنْ حَلَفَ بِيَمِينٍ فَوَكَّدَهَا ثُمَّ حَنِثَ فَعَلَيْهِ عِتْقُ رَقَبَةٍ أَوْ كِسْوَةُ عَشَرَةِ مَسَاكِينَ وَمَنْ حَلَفَ بِيَمِينٍ فَلَمْ يُؤَكِّدْهَا ثُمَّ حَنِثَ فَعَلَيْهِ إِطْعَامُ عَشَرَةِ مَسَاكِينَ لِكُلِّ مِسْكِينٍ مُدٌّ مِنْ حِنْطَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلاَثَةِ أَيَّامٍ ‏.‏

USC-MSA web (English) reference : Book 22, Hadith 12
Arabic reference : Book 22, Hadith 1024

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to do kaffara for a broken oath by feeding ten poor people. Each person got a mudd of wheat. He sometimes freed a slave if he had repeated the oath.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يُكَفِّرُ عَنْ يَمِينِهِ، بِإِطْعَامِ عَشَرَةِ مَسَاكِينَ لِكُلِّ مِسْكِينٍ مُدٌّ مِنْ حِنْطَةٍ وَكَانَ يَعْتِقُ الْمِرَارَ إِذَا وَكَّدَ الْيَمِينَ ‏.‏

USC-MSA web (English) reference : Book 22, Hadith 13
Arabic reference : Book 22, Hadith 1025

Yahya related to me from Malik from Yahya ibn Said that Sulayman ibn Yasar said, "I understood from people that when they made the kaffara for a broken oath, they gave a mudd of wheat according to the smaller mudd. They thought that that would compensate for them."

Malik said, "The best of what I have heard about the one who does kaffara for breaking his oath by clothing people is that if he clothes men he clothes them each in one garment. If he clothes women, he clothes them each in two garments, a long shift and a long scarf, because that is what is satisfactory for each of them in the prayer."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّهُ قَالَ أَدْرَكْتُ النَّاسَ وَهُمْ إِذَا أَعْطَوْا فِي كَفَّارَةِ الْيَمِينِ أَعْطَوْا مُدًّا مِنْ حِنْطَةٍ بِالْمُدِّ الأَصْغَرِ وَرَأَوْا ذَلِكَ مُجْزِئًا عَنْهُمْ ‏.‏ قَالَ مَالِكٌ أَحْسَنُ مَا سَمِعْتُ فِي الَّذِي يُكَفِّرُ عَنْ يَمِينِهِ بِالْكِسْوَةِ أَنَّهُ إِنْ كَسَا الرِّجَالَ كَسَاهُمْ ثَوْبًا ثَوْبًا وَإِنْ كَسَا النِّسَاءَ كَسَاهُنَّ ثَوْبَيْنِ ثَوْبَيْنِ دِرْعًا وَخِمَارًا وَذَلِكَ أَدْنَى مَا يُجْزِي كُلاًّ فِي صَلاَتِهِ ‏.‏

USC-MSA web (English) reference : Book 22, Hadith 13
Arabic reference : Book 22, Hadith 1026

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that one time the Messenger of Allah, may Allah bless him and grant him peace, was speaking to Umar ibn al-Khattab while he was travelling with a troop and Umar swore by his father and he (the Messenger) said, "Allah forbids you to swear by your fathers. If anyone swears, let him swear by Allah or keep silent."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَدْرَكَ عُمَرَ بْنَ الْخَطَّابِ - رضى الله عنه - وَهُوَ يَسِيرُ فِي رَكْبٍ وَهُوَ يَحْلِفُ بِأَبِيهِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ فَمَنْ كَانَ حَالِفًا فَلْيَحْلِفْ بِاللَّهِ أَوْ لِيَصْمُتْ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 22, Hadith 14
Arabic reference : Book 22, Hadith 1027

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, used tosay, "No, by the Overturner of hearts."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَقُولُ " لاَ وَمُقَلِّبِ الْقُلُوبِ " .

USC-MSA web (English) reference : Book 22, Hadith 15
Arabic reference : Book 22, Hadith 1028

Yahya related to me from Malik from Uthman ibn Hafs ibn Umar ibn Khalda that Ibn Shihab had heard that Abu Lubaba ibn Abd al-Mundhir, when Allah turned to him said, "Messenger of Allah, should I leave my people's house in which I committed wrong action and keep your company, and give away all my property as sadaqa for Allah and His Messenger? "The Messenger of Allah, may Allah bless him and grant him peace, said, "Giving away a third of it is enough for you."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عُثْمَانَ بْنِ حَفْصِ بْنِ عُمَرَ بْنِ خَلْدَةَ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا لُبَابَةَ بْنَ عَبْدِ الْمُنْذِرِ، حِينَ تَابَ اللَّهُ عَلَيْهِ قَالَ يَا رَسُولَ اللَّهِ أَهْجُرُ دَارَ قَوْمِي الَّتِي أَصَبْتُ فِيهَا الذَّنْبَ وَأُجَاوِرُكَ وَأَنْخَلِعُ مِنْ مَالِي صَدَقَةً إِلَى اللَّهِ وَإِلَى رَسُولِهِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " يُجْزِيكَ مِنْ ذَلِكَ الثُّلُثُ " .

USC-MSA web (English) reference : Book 22, Hadith 16
Arabic reference : Book 22, Hadith 1029

Yahya related to me from Malik from Ayyub ibn Musa from Mansur ibn Abd ar-Rahman al-Hajabi from his mother that A'isha, umm al- muminin, may Allah be pleased with her, was asked about a man who devoted his property to the door of Kaba. She said, "Let him do kaffara for it with the kaffara of the oath."

Malik said, that someone who devoted all his property in the way of Allah, and then broke his oath, should put a third of his property in the way of Allah, as that was what the Messenger of Allah, may Allah bless him and grant him peace, did in the case of Abu Lubaba.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ مُوسَى، عَنْ مَنْصُورِ بْنِ عَبْدِ الرَّحْمَنِ الْحَجَبِيِّ، عَنْ أُمِّهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، - رضى الله عنها أَنَّهَا سُئِلَتْ عَنْ رَجُلٍ قَالَ مَالِي فِي رِتَاجِ الْكَعْبَةِ . فَقَالَتْ عَائِشَةُ يُكَفِّرُهُ مَا يُكَفِّرُ الْيَمِينَ . قَالَ مَالِكٌ فِي الَّذِي يَقُولُ مَالِي فِي سَبِيلِ اللَّهِ ثُمَّ يَحْنَثُ قَالَ يَجْعَلُ ثُلُثَ مَالِهِ فِي سَبِيلِ اللَّهِ وَذَلِكَ لِلَّذِي جَاءَ عَنْ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي أَمْرِ أَبِي لُبَابَةَ .

USC-MSA web (English) reference : Book 22, Hadith 17
Arabic reference : Book 22, Hadith 1030

23 - Sacrificial Animals كتاب الضحايا

Yahya related to me from Malik from Amr ibn al-Harith from Ubayd ibn Fayruz from al-Bara ibn Azib that the Messenger of Allah, may Allah bless him and grant him peace, was asked what animals should be avoided as sacrifices. He indicated with his hand and said, "Four." Al-Bara pointed with his hand and said, "My hand is shorter than the hand of the Messenger of Allah, may Allah bless him and grant him peace. A lame animal whose lameness is evident, a one-eyed animal which is clearly one-eyed, an animal which is clearly ill, and an emaciated animal with no fat on it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَمْرِو بْنِ الْحَارِثِ، عَنْ عُبَيْدِ بْنِ فَيْرُوزَ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سُئِلَ مَاذَا يُتَّقَى مِنَ الضَّحَايَا فَأَشَارَ بِيَدِهِ وَقَالَ " أَرْبَعًا " . وَكَانَ الْبَرَاءُ يُشِيرُ بِيَدِهِ وَيَقُولُ يَدِي أَقْصَرُ مِنْ يَدِ رَسُولِ اللَّهِ صلى الله عليه وسلم " الْعَرْجَاءُ الْبَيِّنُ ظَلْعُهَا وَالْعَوْرَاءُ الْبَيِّنُ عَوَرُهَا وَالْمَرِيضَةُ الْبَيِّنُ مَرَضُهَا وَالْعَجْفَاءُ الَّتِي لاَ تُنْقِي " .

USC-MSA web (English) reference : Book 23, Hadith 1
Arabic reference : Book 23, Hadith 1031

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would guard against animals and camels which were young or had physical defects as sacrifices.

Malik said, "That is what I like best of what I have heard ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَتَّقِي مِنَ الضَّحَايَا وَالْبُدْنِ الَّتِي لَمْ تُسِنَّ وَالَّتِي نَقَصَ مِنْ خَلْقِهَا . قَالَ مَالِكٌ وَهَذَا أَحَبُّ مَا سَمِعْتُ إِلَىَّ .

USC-MSA web (English) reference : Book 23, Hadith 2
Arabic reference : Book 23, Hadith 1032

Yahya related to me from Malik from Nafi that one time Abdullah ibn Umar wanted to sacrifice an animal at Madina. Nafi said, "He told me to buy him an excellent horned ram, then to sacrifice it on the Day of Sacrifice in the place where the people prayed." Nafi continued, "I did so and when the ram was sacrificed, it was carried to Abdullah ibn Umar who shaved his head. He was ill, and did not attend the Id with the people." Nafi added, "Abdullah ibn Umar used to say, 'Shaving the head is not obligatory for someone who sacrifices an animal.' Ibn Umar would do so however."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، ضَحَّى مَرَّةً بِالْمَدِينَةِ . قَالَ نَافِعٌ فَأَمَرَنِي أَنْ أَشْتَرِيَ لَهُ كَبْشًا فَحِيلاً أَقْرَنَ ثُمَّ أَذْبَحَهُ يَوْمَ الأَضْحَى فِي مُصَلَّى النَّاسِ . قَالَ نَافِعٌ فَفَعَلْتُ ثُمَّ حُمِلَ إِلَى عَبْدِ اللَّهِ بْنِ عُمَرَ فَحَلَقَ رَأْسَهُ حِينَ ذُبِحَ الْكَبْشُ وَكَانَ مَرِيضًا لَمْ يَشْهَدِ الْعِيدَ مَعَ النَّاسِ . قَالَ نَافِعٌ وَكَانَ عَبْدُ اللَّهِ بْنُ عُمَرَ يَقُولُ لَيْسَ حِلاَقُ الرَّأْسِ بِوَاجِبٍ عَلَى مَنْ ضَحَّى . وَقَدْ فَعَلَهُ ابْنُ عُمَرَ .

USC-MSA web (English) reference : Book 23, Hadith 3
Arabic reference : Book 23, Hadith 1033

ahya related to me from Malik from Yahya ibn Said from Bushayr ibn Yasar that Abu Burda ibn Niyar sacrificed an animal before the Messenger of Allah, may Allah bless him and grant him peace, sacrificed on the Day of Sacrifice.

He asserted that the Messenger of Allah, may Allah bless him and grant him peace, ordered him to sacrifice another animal, and he, Abu Burda, said, "What if I can only find an animal less than one year old, Messenger of Allah?" He had said, "If you can only find a young animal, then sacrifice it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، أَنَّ أَبَا بُرْدَةَ بْنَ نِيَارٍ، ذَبَحَ ضَحِيَّتَهُ قَبْلَ أَنْ يَذْبَحَ، رَسُولُ اللَّهِ صلى الله عليه وسلم يَوْمَ الأَضْحَى فَزَعَمَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَمَرَهُ أَنْ يَعُودَ بِضَحِيَّةٍ أُخْرَى . قَالَ أَبُو بُرْدَةَ لاَ أَجِدُ إِلاَّ جَذَعًا يَا رَسُولَ اللَّهِ . قَالَ " وَإِنْ لَمْ تَجِدْ إِلاَّ جَذَعًا فَاذْبَحْ " .

USC-MSA web (English) reference : Book 23, Hadith 4
Arabic reference : Book 23, Hadith 1034

Yahya related to me from Malik from Yahya ibn Said from Abbad ibn Tamin that one time Uwaymir ibn Ashqar sacrificed his animal before the prayer on the morning of the Day of Sacrifice, and he mentioned that the Messenger of Allah, may Allah bless him and grant him peace, had ordered him to sacrifice another animal.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبَّادِ بْنِ تَمِيمٍ، أَنَّ عُوَيْمِرَ بْنَ أَشْقَرَ، ذَبَحَ ضَحِيَّتَهُ قَبْلَ أَنْ يَغْدُوَ، يَوْمَ الأَضْحَى وَأَنَّهُ ذَكَرَ ذَلِكَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم فَأَمَرَهُ أَنْ يَعُودَ بِضَحِيَّةٍ أُخْرَى .

USC-MSA web (English) reference : Book 23, Hadith 5
Arabic reference : Book 23, Hadith 1035

Yahya related to me from Malik from Abu'z-Zubayr al-Makki from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, forbade that the meat from sacrificial animals be eaten after three days. Then later he said, "Eat, give sadaqa, provide for yourselves and store up."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ أَكْلِ لُحُومِ الضَّحَايَا بَعْدَ ثَلاَثَةِ أَيَّامٍ ثُمَّ قَالَ بَعْدُ " كُلُوا وَتَصَدَّقُوا وَتَزَوَّدُوا وَادَّخِرُوا " .

USC-MSA web (English) reference : Book 23, Hadith 6
Arabic reference : Book 23, Hadith 1036

Yahya related to me from Malik from Abdullah ibn Abi Bakr that Abdullah ibn Waqid said, "The Messengerof Allah, may Allah bless him and grant him peace, forbade eating the meat from sacrificial animals after three days."

Abdullah ibn Abi Bakr said, "I mentioned that to Amra bint Abd ar-Rahman, and she affirmed that he had spoken the truth as she had heard A'isha, the wife of the Prophet, may Allah bless him and grant him peace, say, 'Some people from the desert came at the time of the sacrifice in the time of the Messenger of Allah, may Allah bless him and grant him peace, so the Messenger of Allah, may Allah bless him and grant him peace, said, 'Store up for three days, and give what is left over as sadaqa.' "
She said that afterwards some one said to the Messenger of Allah, may Allah bless him and grant him peace, that people had been accustomed to make use of their sacrificial animals, melting the fat and curing the skins. The Messenger of Allah, may Allah bless him and grant him peace, said, "What about that?" They said, "You have forbidden the meat of sacrificial animals after three days." The Messenger of Allah, may Allah bless him and grant him peace, said, "I only forbade you for the sake of the people who were coming to you. Eat, give sadaqa and store up."
By these people, he meant the poor people who were coming to Madina.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَبْدِ اللَّهِ بْنِ وَاقِدٍ، أَنَّهُ قَالَ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ أَكْلِ لُحُومِ الضَّحَايَا بَعْدَ ثَلاَثَةِ أَيَّامٍ . قَالَ عَبْدُ اللَّهِ بْنُ أَبِي بَكْرٍ فَذَكَرْتُ ذَلِكَ لِعَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ فَقَالَتْ صَدَقَ سَمِعْتُ عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم تَقُولُ دَفَّ نَاسٌ مِنْ أَهْلِ الْبَادِيَةِ حَضْرَةَ الأَضْحَى فِي زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " ادَّخِرُوا لِثَلاَثٍ وَتَصَدَّقُوا بِمَا بَقِيَ " . قَالَتْ فَلَمَّا كَانَ بَعْدَ ذَلِكَ قِيلَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم لَقَدْ كَانَ النَّاسُ يَنْتَفِعُونَ بِضَحَايَاهُمْ وَيَجْمِلُونَ مِنْهَا الْوَدَكَ وَيَتَّخِذُونَ مِنْهَا الأَسْقِيَةَ فَقَالَ رَسُولُ اللَّهِ " وَمَا ذَلِكَ " . أَوْ كَمَا قَالَ . قَالُوا نَهَيْتَ عَنْ لُحُومِ الضَّحَايَا بَعْدَ ثَلاَثٍ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّمَا نَهَيْتُكُمْ مِنْ أَجْلِ الدَّافَّةِ الَّتِي دَفَّتْ عَلَيْكُمْ فَكُلُوا وَتَصَدَّقُوا وَادَّخِرُوا " .

USC-MSA web (English) reference : Book 23, Hadith 7
Arabic reference : Book 23, Hadith 1037

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that Abu Said alKhudri returned from a journey and his family gave him some meat. He asked whether it was meat from the sacrifice. They replied that it was. Abu Said said, "Didn't the Messenger of Allah, may Allah bless him and grant him peace, forbid that?" They said, "There has been a new command from the Messenger of Allah, may Allah bless him and grant him peace, since you went away." Abu Said went out and made enquiries about it and was told that the Messenger of Allah, may Allah bless him and grant him peace, had said,"I forbade you before to eat meat of the sacrifice after three days, but now eat, give sadaqa and store up. I forbade you before to make nabidh (by soaking raisins or dates in water), but now make nabidh, but remember every intoxicant is haram .I forbade you to visit graves, but now visit them, and do not use bad language."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّهُ قَدِمَ مِنْ سَفَرٍ فَقَدَّمَ إِلَيْهِ أَهْلُهُ لَحْمًا . فَقَالَ انْظُرُوا أَنْ يَكُونَ هَذَا مِنْ لُحُومِ الأَضْحَى . فَقَالُوا هُوَ مِنْهَا . فَقَالَ أَبُو سَعِيدٍ أَلَمْ يَكُنْ رَسُولُ اللَّهِ صلى الله عليه وسلم نَهَى عَنْهَا فَقَالُوا إِنَّهُ قَدْ كَانَ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم بَعْدَكَ أَمْرٌ . فَخَرَجَ أَبُو سَعِيدٍ فَسَأَلَ عَنْ ذَلِكَ فَأُخْبِرَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " نَهَيْتُكُمْ عَنْ لُحُومِ الأَضْحَى بَعْدَ ثَلاَثٍ فَكُلُوا وَتَصَدَّقُوا وَادَّخِرُوا وَنَهَيْتُكُمْ عَنِ الاِنْتِبَاذِ فَانْتَبِذُوا وَكُلُّ مُسْكِرٍ حَرَامٌ وَنَهَيْتُكُمْ عَنْ زِيَارَةِ الْقُبُورِ فَزُورُوهَا وَلاَ تَقُولُوا هُجْرًا " . يَعْنِي لاَ تَقُولُوا سُوءًا .

USC-MSA web (English) reference : Book 23, Hadith 8
Arabic reference : Book 23, Hadith 1038

Yahya related to me from Malik from Abu'z-Zubayr al-Makki that Jabir ibn Abdullah said, "We sacrificed with the Messenger of Allah, may Allah bless him and grant him peace, in the year of Hudaybiya, a camel between seven people, and a cow between seven people."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ قَالَ نَحَرْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ الْحُدَيْبِيَةِ الْبَدَنَةَ عَنْ سَبْعَةٍ وَالْبَقَرَةَ عَنْ سَبْعَةٍ .

USC-MSA web (English) reference : Book 23, Hadith 9
Arabic reference : Book 23, Hadith 1039

Yahya related to me from Malik from Umara ibn Yasar that Ata ibn Yasar told him that Abu Ayyub al-Ansari had told him, "We used to sacrifice one sheep, and a man sacrificed for himself and his family. Then later on people began to compete with each other and it became boasting."

Malik said, "The best that I have heard about a single camel, cow or sheep, is that a man should sacrifice a camel for himself and his family. He sacrifices a cow or sheep which he owns for his family, and shares with them in it. It is disapproved for a group of people to buy a camel, cow or sheep, to share for the ritual and sacrifices, each man giving a share of its price, and taking a share of its meat. We have heard the tradition that people do not share in the ritual. However, it may be that the people of one household can share."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عُمَارَةَ بْنِ صَيَّادٍ، أَنَّ عَطَاءَ بْنَ يَسَارٍ، أَخْبَرَهُ أَنَّ أَبَا أَيُّوبَ الأَنْصَارِيَّ أَخْبَرَهُ قَالَ كُنَّا نُضَحِّي بِالشَّاةِ الْوَاحِدَةِ يَذْبَحُهَا الرَّجُلُ عَنْهُ وَعَنْ أَهْلِ بَيْتِهِ ثُمَّ تَبَاهَى النَّاسُ بَعْدُ فَصَارَتْ مُبَاهَاةً .

USC-MSA web (English) reference : Book 23, Hadith 10
Arabic reference : Book 23, Hadith 1040

Yahya related to me from Malik that Ibn Shihab said, "The Messenger of Allah, may Allah bless him and grant him peace, only sacrificed one camel or one cow for himself and his family."

Malik said, "I do not know which of them Ibn Shihab said."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ مَا نَحَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْهُ وَعَنْ أَهْلِ بَيْتِهِ إِلاَّ بَدَنَةً وَاحِدَةً أَوْ بَقَرَةً وَاحِدَةً . قَالَ مَالِكٌ لاَ أَدْرِي أَيَّتَهُمَا قَالَ ابْنُ شِهَابٍ .

USC-MSA web (English) reference : Book 23, Hadith 11
Arabic reference : Book 23, Hadith 1041

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "The sacrifice can be done up to two days after the Day of Sacrifice."

Yahya related to me from Malik that he had heard the same from Ali ibn Abi Talib.

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، قَالَ الأَضْحَى يَوْمَانِ بَعْدَ يَوْمِ الأَضْحَى .

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، مِثْلُ ذَلِكَ .

USC-MSA web (English) reference : Book 23, Hadith 12
Arabic reference : Book 23, Hadith 1042

Yahya related to me from Malik from Nafi that Abdullah ibn Umar did not sacrifice for the child in the womb.

Malik said, "The sacrifice is sunna, and it is not obligatory. I prefer that anyone who has the price of the animal should not abandon it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، لَمْ يَكُنْ يُضَحِّي عَمَّا فِي بَطْنِ الْمَرْأَةِ . قَالَ مَالِكٌ الضَّحِيَّةُ سُنَّةٌ وَلَيْسَتْ بِوَاجِبَةٍ وَلاَ أُحِبُّ لأَحَدٍ مِمَّنْ قَوِيَ عَلَى ثَمَنِهَا أَنْ يَتْرُكَهَا .

USC-MSA web (English) reference : Book 23, Hadith 13
Arabic reference : Book 23, Hadith 1044

24 - Slaughtering Animals كتاب الذبائح

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "The Messenger of Allah, may Allah bless him and grant him peace, was asked, 'Messenger of Allah! Some people from the desert bring us meat, and we do not know whether the name of Allah has been mentioned over it or not.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Mention the name of Allah over it and eat.' "
Malik said, "That was in the beginning of Islam."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ سُئِلَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقِيلَ لَهُ يَا رَسُولَ اللَّهِ إِنَّ نَاسًا مِنْ أَهْلِ الْبَادِيَةِ يَأْتُونَنَا بِلُحْمَانٍ وَلاَ نَدْرِي هَلْ سَمَّوُا اللَّهَ عَلَيْهَا أَمْ لاَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " سَمُّوا اللَّهَ عَلَيْهَا ثُمَّ كُلُوهَا " . قَالَ مَالِكٌ وَذَلِكَ فِي أَوَّلِ الإِسْلاَمِ .

USC-MSA web (English) reference : Book 24, Hadith 1
Arabic reference : Book 24, Hadith 1045

Yahya related to me from Malik from Yahya ibn Said that Abdullah ibn Ayyash ibn Abi Rabia al-Makhzumi ordered one of his slaves to slaughter an animal. When he wanted to slaughter it, he said to him, "Mention Allah's name." The slave said to him, "I have mentioned the name!" He said to him, "Mention the name of Allah, bother you!" He said to him, "I have mentioned the name of Allah " Abdullah ibn Ayyash said, "By Allah, I shall never eat it!"

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عَيَّاشِ بْنِ أَبِي رَبِيعَةَ الْمَخْزُومِيَّ، أَمَرَ غُلاَمًا لَهُ أَنْ يَذْبَحَ ذَبِيحَةً فَلَمَّا أَرَادَ أَنْ يَذْبَحَهَا قَالَ لَهُ سَمِّ اللَّهَ . فَقَالَ لَهُ الْغُلاَمُ قَدْ سَمَّيْتُ . فَقَالَ لَهُ سَمِّ اللَّهَ وَيْحَكَ . قَالَ لَهُ قَدْ سَمَّيْتُ اللَّهَ . فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ عَيَّاشٍ وَاللَّهِ لاَ أَطْعَمُهَا أَبَدًا .

USC-MSA web (English) reference : Book 24, Hadith 2
Arabic reference : Book 24, Hadith 1046

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that a man from the Ansar of the tribe of Banu Haritha was herding a pregnant she-camel at Uhud. It was about to die, so he slaughtered it with a sharp stake. The Messenger of Allah was asked about that, and he said, "There is no harm in it, eat it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَجُلاً، مِنَ الأَنْصَارِ مِنْ بَنِي حَارِثَةَ كَانَ يَرْعَى لِقْحَةً لَهُ بِأُحُدٍ فَأَصَابَهَا الْمَوْتُ فَذَكَّاهَا بِشِظَاظٍ فَسُئِلَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ ذَلِكَ فَقَالَ " لَيْسَ بِهَا بَأْسٌ فَكُلُوهَا " .

USC-MSA web (English) reference : Book 24, Hadith 3
Arabic reference : Book 24, Hadith 1047

Yahya related to me from Malik from Nafi from a man of the Ansar from Muadh ibn Sad or Sad ibn Muadh that a slave-girl of Kab ibn Malik was herding some sheep at Sal (a mountain near Madina). One of the sheep was about to die, so she went over to it and slaughtered it with a stone. The Messenger of Allah, may Allah bless him and grant him peace, was asked about that, and he said, "There is no harm in it, so eat it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ رَجُلٍ، مِنَ الأَنْصَارِ عَنْ مُعَاذِ بْنِ سَعْدٍ، أَوْ سَعْدِ بْنِ مُعَاذٍ أَنَّ جَارِيَةً، لِكَعْبِ بْنِ مَالِكٍ كَانَتْ تَرْعَى غَنَمًا لَهَا بِسَلْعٍ فَأُصِيبَتْ شَاةٌ مِنْهَا فَأَدْرَكَتْهَا فَذَكَّتْهَا بِحَجَرٍ فَسُئِلَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ ذَلِكَ فَقَالَ " لاَ بَأْسَ بِهَا فَكُلُوهَا " .

USC-MSA web (English) reference : Book 24, Hadith 4
Arabic reference : Book 24, Hadith 1048

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili that Abdullah ibn Abbas was asked about animals slaughtered by the

Christian Arabs. He said, "There is no harm in them," but he recited this ayat, "Whoever takes them as friends is from them." (Sura 5 ayat 54).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ سُئِلَ عَنْ ذَبَائِحِ، نَصَارَى الْعَرَبِ فَقَالَ لاَ بَأْسَ بِهَا وَتَلاَ هَذِهِ الآيَةَ {وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ}.

USC-MSA web (English) reference : Book 24, Hadith 5
Arabic reference : Book 24, Hadith 1049

Yahya related to me from Malik that Abdullah ibn Abbas used to say, "You can eat anything that has had its jugular vein cut."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، كَانَ يَقُولُ مَا فَرَى الأَوْدَاجَ فَكُلُوهُ .

USC-MSA web (English) reference : Book 24, Hadith 6
Arabic reference : Book 24, Hadith 1050

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "There is no harm in whatever you slaughter with a cutting edge, as long as you are forced to do it by necessity."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ مَا ذُبِحَ بِهِ إِذَا بَضَعَ فَلاَ بَأْسَ بِهِ إِذَا اضْطُرِرْتَ إِلَيْهِ .

USC-MSA web (English) reference : Book 24, Hadith 6
Arabic reference : Book 24, Hadith 1051

Yahya related to me from Malik from Yahya ibn Said that Abu Murra, the mawla of Aqil ibn Abi Talib asked Abu Hurayra about a sheep which was slaughtered and then part of it moved. He ordered him to eat it. Then he asked Zayd ibn Thabit about it, and he said, "Does a corpse move?" and he forbade eating its meat.

Malik was asked about a sheep which fell down and injured itself badly and then its master reached it and slaughtered it. Blood flowed from it but it did not move. Malik said, "If he kills it and blood flows from it and its eyes blink, he should eat it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي مُرَّةَ، مَوْلَى عَقِيلِ بْنِ أَبِي طَالِبٍ أَنَّهُ سَأَلَ أَبَا هُرَيْرَةَ عَنْ شَاةٍ، ذُبِحَتْ فَتَحَرَّكَ بَعْضُهَا فَأَمَرَهُ أَنْ يَأْكُلَهَا ثُمَّ سَأَلَ عَنْ ذَلِكَ زَيْدَ بْنَ ثَابِتٍ فَقَالَ إِنَّ الْمَيْتَةَ لَتَتَحَرَّكُ وَنَهَاهُ عَنْ ذَلِكَ . وَسُئِلَ مَالِكٌ عَنْ شَاةٍ تَرَدَّتْ فَتَكَسَّرَتْ فَأَدْرَكَهَا صَاحِبُهَا فَذَبَحَهَا فَسَالَ الدَّمُ مِنْهَا وَلَمْ تَتَحَرَّكْ فَقَالَ مَالِكٌ إِذَا كَانَ ذَبَحَهَا وَنَفَسُهَا يَجْرِي وَهِيَ تَطْرِفُ فَلْيَأْكُلْهَا .

USC-MSA web (English) reference : Book 24, Hadith 7
Arabic reference : Book 24, Hadith 1052

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "When a she-camel is slaughtered, what is in its womb is included in the slaughter if it is perfectly formed and its hair has begun to grow. If it comes out of its mother's womb, it is slaughtered so that blood flows from its heart."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ إِذَا نُحِرَتِ النَّاقَةُ فَذَكَاةُ مَا فِي بَطْنِهَا فِي ذَكَاتِهَا إِذَا كَانَ قَدْ تَمَّ خَلْقُهُ وَنَبَتَ شَعَرُهُ فَإِذَا خَرَجَ مِنْ بَطْنِ أُمِّهِ ذُبِحَ حَتَّى يَخْرُجَ الدَّمُ مِنْ جَوْفِهِ .

USC-MSA web (English) reference : Book 24, Hadith 8
Arabic reference : Book 24, Hadith 1053

Yahya related to me from Malik from Yazid ibn Abdullah ibn Qusayt al-Laythi that Said ibn al- Musayyab said, "The slaughter of what is in the womb is included in the slaughter of the mother if it is perfectly formed and its hair has begun to grow."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ اللَّيْثِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ ذَكَاةُ مَا فِي بَطْنِ الذَّبِيحَةِ فِي ذَكَاةِ أُمِّهِ إِذَا كَانَ قَدْ تَمَّ خَلْقُهُ وَنَبَتَ شَعَرُهُ .

USC-MSA web (English) reference : Book 24, Hadith 9
Arabic reference : Book 24, Hadith 1054

25 - Game كتاب الصيد

ahya related to me from Malik that Nafi said, "I was at al-Juruf (near Madina) and threw a stone at two birds, and hit them. One of them died, and Abdullah ibn Umar threw it away, and then went to slaughter the other one with an adze. It died before he could slaughter it, so Abdullah threw that one away as well."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّهُ قَالَ رَمَيْتُ طَائِرَيْنِ بِحَجَرٍ وَأَنَا بِالْجُرْفِ، فَأَصَبْتُهُمَا فَأَمَّا أَحَدُهُمَا فَمَاتَ فَطَرَحَهُ عَبْدُ اللَّهِ بْنُ عُمَرَ وَأَمَّا الآخَرُ فَذَهَبَ عَبْدُ اللَّهِ بْنُ عُمَرَ يُذَكِّيهِ بِقَدُومٍ فَمَاتَ قَبْلَ أَنْ يُذَكِّيَهُ فَطَرَحَهُ عَبْدُ اللَّهِ أَيْضًا .

USC-MSA web (English) reference : Book 25, Hadith 1
Arabic reference : Book 25, Hadith 1055

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad disapproved of eating game that had been killed with throwing sticks and by clay pellets.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، كَانَ يَكْرَهُ مَا قَتَلَ الْمِعْرَاضُ وَالْبُنْدُقَةُ .

USC-MSA web (English) reference : Book 25, Hadith 2
Arabic reference : Book 25, Hadith 1056

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab disapproved of killing domestic animals that had become wild by any means that game was slain such as arrows and the like.

Malik said, "I do not see any harm in eating game which is pierced by a throwing stick in a vital organ.
Allah, the Blessed, the Exalted! said, 'Oh you who believe! Allah will surely try you with something of the game that your hands and spears attain.' " (Sura 5 ayat 97).
Yahya said, "Any game that man obtains by his hand or by his spear or by any weapon which pierces it and reaches a vital organ, is acceptable as Allah, the Exalted, has said."

سَعِيدَ بْنَ الْمُسَيَّبِ، كَانَ يَكْرَهُ أَنْ تُقْتَلَ الإِنْسِيَّةُ، بِمَا يُقْتَلُ بِهِ الصَّيْدُ مِنَ الرَّمْىِ وَأَشْبَاهِهِ . قَالَ مَالِكٌ وَلاَ أَرَى بَأْسًا بِمَا أَصَابَ الْمِعْرَاضُ إِذَا خَسَقَ وَبَلَغَ الْمَقَاتِلَ أَنْ يُؤْكَلَ قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى {يَا أَيُّهَا الَّذِينَ آمَنُوا لَيَبْلُوَنَّكُمُ اللَّهُ بِشَىْءٍ مِنَ الصَّيْدِ تَنَالُهُ أَيْدِيكُمْ وَرِمَاحُكُمْ } قَالَ فَكُلُّ شَىْءٍ نَالَهُ الإِنْسَانُ بِيَدِهِ أَوْ رُمْحِهِ أَوْ بِشَىْءٍ مِنْ سِلاَحِهِ فَأَنْفَذَهُ وَبَلَغَ مَقَاتِلَهُ فَهُوَ صَيْدٌ كَمَا قَالَ اللَّهُ تَعَالَى

USC-MSA web (English) reference : Book 25, Hadith 3
Arabic reference : Book 25, Hadith 1057

Yahya related to me from Malik that he had heard the people of knowledge say that when a man hit game and something else might have contributed to death, like water or an untrained dog, that game was not to be eaten unless it was beyond doubt that it was the arrow of the hunter that had killed it by reaching a vital organ, so that it did not have any life after that.

Yahya said that he heard Malik say that there was no harm in eating game when you did not see it die if you found the mark of your dog on it or your arrow in it as long as it had not remained overnight. If it had remained overnight, then it was disapproved of to eat it.

وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ سَمِعَ أَهْلَ الْعِلْمِ يَقُولُونَ إِذَا أَصَابَ الرَّجُلُ الصَّيْدَ فَأَعَانَهُ عَلَيْهِ غَيْرُهُ مِنْ مَاءٍ أَوْ كَلْبٍ غَيْرِ مُعَلَّمٍ لَمْ يُؤْكَلْ ذَلِكَ الصَّيْدُ إِلاَّ أَنْ يَكُونَ سَهْمُ الرَّامِي قَدْ قَتَلَهُ أَوْ بَلَغَ مَقَاتِلَ الصَّيْدِ حَتَّى لاَ يَشُكَّ أَحَدٌ فِي أَنَّهُ هُوَ قَتَلَهُ وَأَنَّهُ لاَ يَكُونُ لِلصَّيْدِ حَيَاةٌ بَعْدَهُ . قَالَ وَسَمِعْتُ مَالِكًا يَقُولُ لاَ بَأْسَ بِأَكْلِ الصَّيْدِ - وَإِنْ غَابَ عَنْكَ مَصْرَعُهُ - إِذَا وَجَدْتَ بِهِ أَثَرًا مِنْ كَلْبِكَ أَوْ كَانَ بِهِ سَهْمُكَ مَا لَمْ يَبِتْ فَإِذَا بَاتَ فَإِنَّهُ يُكْرَهُ أَكْلُهُ .

USC-MSA web (English) reference : Book 25, Hadith 4
Arabic reference : Book 25, Hadith 1057

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said about a trained dog, "Eat whatever it catches for you whether it eats from it or not."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ فِي الْكَلْبِ الْمُعَلَّمِ كُلْ مَا أَمْسَكَ عَلَيْكَ إِنْ قَتَلَ وَإِنْ لَمْ يَقْتُلْ .

USC-MSA web (English) reference : Book 25, Hadith 5
Arabic reference : Book 25, Hadith 1058

Yahya related to me from Malik that he heard Nafi say that Abdullah ibn Umar said, "Whether it eats from it or not."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَمَّنْ سَمِعَ نَافِعًا، يَقُولُ قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ وَإِنْ أَكَلَ وَإِنْ لَمْ يَأْكُلْ .

USC-MSA web (English) reference : Book 25, Hadith 6
Arabic reference : Book 25, Hadith 1059

Yahya related to me from Malik that he had heard that Sad ibn Abi Waqqas had said, when asked about a trained dog killing game, "Eat, even if only one piece of it remains."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ، أَنَّهُ سُئِلَ عَنِ الْكَلْبِ الْمُعَلَّمِ، إِذَا قَتَلَ الصَّيْدَ فَقَالَ سَعْدٌ كُلْ وَإِنْ لَمْ تَبْقَ إِلاَّ بِضْعَةٌ وَاحِدَةٌ . وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ، أَنَّهُ سُئِلَ عَنِ الْكَلْبِ الْمُعَلَّمِ، إِذَا قَتَلَ الصَّيْدَ فَقَالَ سَعْدٌ كُلْ وَإِنْ لَمْ تَبْقَ إِلاَّ بِضْعَةٌ وَاحِدَةٌ .

USC-MSA web (English) reference : Book 25, Hadith 7
Arabic reference : Book 25, Hadith 1060

Yahya related to me from Malik that he had heard some of the people of knowledge say that when falcons, eagles, and hawks and their like, understood as trained dogs understood, there was no harm in eating what they had killed in the course of hunting, if the name of Allah had been mentioned when they were sent out.

Malik said, "The best of what I have heard about retrieving game from the falcon's talons or from the dog's fangs and then waiting until it dies, is that it is not halal to eat it."
Malik said, "The same applies to anything which could have been slaughtered by the hunter when it was in the talons of the falcon or the fangs of the dog. If the hunter leaves it until the falcon or dog has killed it, it is not halal to eat it either". He continued, "The same thing applies to any game hit by a hunter and caught while still alive, which he neglects to slaughter before it dies."

Malik said, "It is generally agreed among us that it is halal to eat the game that a hunting-dog belonging to magians hunts or kills, if it is sent out by a muslim and the animal is trained. There is no harm in it even if the muslim does not actually slaughter it.
It is the same as a muslim using a magian's knife to slaughter with or using his bow and arrows to shoot and kill with. The game he shot and the animal he slaughters are halal. There is no harm in eating them. If a magian sends out a muslim's hunting dog for game, and it catches it, the game is not to be eaten unless it is slaughtered by a muslim. That is like a magian using a muslim's bow and arrow to hunt game with, or like his using a muslim's knife to slaughter with. It is not halal to eat anything killed like that.

وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ سَمِعَ بَعْضَ أَهْلِ الْعِلْمِ يَقُولُونَ فِي الْبَازِي وَالْعُقَابِ وَالصَّقْرِ وَمَا أَشْبَهَ ذَلِكَ أَنَّهُ إِذَا كَانَ يَفْقَهُ كَمَا تَفْقَهُ الْكِلاَبُ الْمُعَلَّمَةُ فَلاَ بَأْسَ بِأَكْلِ مَا قَتَلَتْ مِمَّا صَادَتْ إِذَا ذُكِرَ اسْمُ اللَّهِ عَلَى إِرْسَالِهَا . قَالَ مَالِكٌ وَأَحْسَنُ مَا سَمِعْتُ فِي الَّذِي يَتَخَلَّصُ الصَّيْدَ مِنْ مَخَالِبِ الْبَازِي أَوْ مِنَ الْكَلْبِ ثُمَّ يَتَرَبَّصُ بِهِ فَيَمُوتُ أَنَّهُ لاَ يَحِلُّ أَكْلُهُ . قَالَ مَالِكٌ وَكَذَلِكَ كُلُّ مَا قُدِرَ عَلَى ذَبْحِهِ وَهُوَ فِي مَخَالِبِ الْبَازِي أَوْ فِي الْكَلْبِ فَيَتْرُكُهُ صَاحِبُهُ وَهُوَ قَادِرٌ عَلَى ذَبْحِهِ حَتَّى يَقْتُلَهُ الْبَازِي أَوِ الْكَلْبُ فَإِنَّهُ لاَ يَحِلُّ أَكْلُهُ . قَالَ مَالِكٌ وَكَذَلِكَ الَّذِي يَرْمِي الصَّيْدَ فَيَنَالُهُ وَهُوَ حَىٌّ فَيُفَرِّطُ فِي ذَبْحِهِ حَتَّى يَمُوتَ فَإِنَّهُ لاَ يَحِلُّ أَكْلُهُ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ الْمُسْلِمَ إِذَا أَرْسَلَ كَلْبَ الْمَجُوسِيِّ الضَّارِيَ فَصَادَ أَوْ قَتَلَ إِنَّهُ إِذَا كَانَ مُعَلَّمًا فَأَكْلُ ذَلِكَ الصَّيْدِ حَلاَلٌ لاَ بَأْسَ بِهِ وَإِنْ لَمْ يُذَكِّهِ الْمُسْلِمُ وَإِنَّمَا مَثَلُ ذَلِكَ مَثَلُ الْمُسْلِمِ يَذْبَحُ بِشَفْرَةِ الْمَجُوسِيِّ أَوْ يَرْمِي بِقَوْسِهِ أَوْ بِنَبْلِهِ فَيَقْتُلُ بِهَا فَصَيْدُهُ ذَلِكَ وَذَبِيحَتُهُ حَلاَلٌ لاَ بَأْسَ بِأَكْلِهِ وَإِذَا أَرْسَلَ الْمَجُوسِيُّ كَلْبَ الْمُسْلِمِ الضَّارِيَ عَلَى صَيْدٍ فَأَخَذَهُ فَإِنَّهُ لاَ يُؤْكَلُ ذَلِكَ الصَّيْدُ إِلاَّ أَنْ يُذَكَّى وَإِنَّمَا مَثَلُ ذَلِكَ مَثَلُ قَوْسِ الْمُسْلِمِ وَنَبْلِهِ يَأْخُذُهَا الْمَجُوسِيُّ فَيَرْمِي بِهَا الصَّيْدَ فَيَقْتُلُهُ وَبِمَنْزِلَةِ شَفْرَةِ الْمُسْلِمِ يَذْبَحُ بِهَا الْمَجُوسِيُّ فَلاَ يَحِلُّ أَكْلُ شَىْءٍ مِنْ ذَلِكَ .

USC-MSA web (English) reference : Book 25, Hadith 8
Arabic reference : Book 25, Hadith 1060

Yahya related to me from Malik from Nafi that Abd ar-Rahman ibn Abi Hurayra asked Abdullah ibn Umar about eating what was cast up by the sea and he forbade him to eat it. Then Abdullah turned and asked for a Qur'an, and read, "The game of the sea and its flesh are halal for you." Nafi added, "Abdullah ibn Umar sent me to Abdar-Rahman Ibn Abi Hurayra to say that there was no harm in eating it."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ الرَّحْمَنِ بْنَ أَبِي هُرَيْرَةَ، سَأَلَ عَبْدَ اللَّهِ بْنَ عُمَرَ عَمَّا لَفَظَ الْبَحْرُ فَنَهَاهُ عَنْ أَكْلِهِ، . قَالَ نَافِعٌ ثُمَّ انْقَلَبَ عَبْدُ اللَّهِ فَدَعَا بِالْمُصْحَفِ فَقَرَأَ {أُحِلَّ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ} قَالَ نَافِعٌ فَأَرْسَلَنِي عَبْدُ اللَّهِ بْنُ عُمَرَ إِلَى عَبْدِ الرَّحْمَنِ بْنِ أَبِي هُرَيْرَةَ إِنَّهُ لاَ بَأْسَ بِأَكْلِهِ .

USC-MSA web (English) reference : Book 25, Hadith 9
Arabic reference : Book 25, Hadith 1061

Yahya related to me from Malik from Zayd ibn Aslam that Sad al- Jari, the mawla of Umar ibn al-Khattab asked Abdullah ibn Umar about fish which had killed each other or which had died from severe cold . He said, "There is no harm in eating them.'' Sad said,' 'I then asked Abdullah ibn Amr ibn al As and he said the same."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ سَعْدٍ الْجَارِيِّ، مَوْلَى عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَالَ سَأَلْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ عَنِ الْحِيتَانِ، يَقْتُلُ بَعْضُهَا بَعْضًا أَوْ تَمُوتُ صَرَدًا فَقَالَ لَيْسَ بِهَا بَأْسٌ . قَالَ سَعْدٌ ثُمَّ سَأَلْتُ عَبْدَ اللَّهِ بْنَ عَمْرِو بْنِ الْعَاصِ فَقَالَ مِثْلَ ذَلِكَ .

USC-MSA web (English) reference : Book 25, Hadith 10
Arabic reference : Book 25, Hadith 1062

Yahya related to me from Malik from Abu'z-Zinad from Abu Salama ibn Abd ar-Rahman from Abu Hurayra and Zayd ibn Thabit that they saw no harm in eating what was cast up by the sea.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ، وَزَيْدِ بْنِ ثَابِتٍ، أَنَّهُمَا كَانَا لاَ يَرَيَانِ بِمَا لَفَظَ الْبَحْرُ بَأْسًا .

USC-MSA web (English) reference : Book 25, Hadith 11
Arabic reference : Book 25, Hadith 1063

Yahya related to me from Malik from Abu'z-Zinad from Abu Salama ibn Abd ar-Rahman that some people from al-Jar came to Marwan ibn al- Hakam and asked him about eating what was cast up by the sea. He said, "There is no harm in eating it." Marwan said, "Go to Zayd ibn Thabit and Abu Hurayra and ask them about it, then come to me and tell me what they say." They went to them and asked them, and they both said, "There is no harm in eating it " They returned to Marwan and told him. Marwan said, "I told you."

Malik said that there was no harm in eating fish caught by magians, because the Messenger of Allah, may Allah bless him and grant him peace, said, "In the sea's water is purity, and that which is dead in it is halal. "
Malik said, "If it is eaten when it is dead, there is no harm in who catches it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ نَاسًا، مِنْ أَهْلِ الْجَارِ قَدِمُوا فَسَأَلُوا مَرْوَانَ بْنَ الْحَكَمِ عَمَّا لَفَظَ الْبَحْرُ فَقَالَ لَيْسَ بِهِ بَأْسٌ وَقَالَ اذْهَبُوا إِلَى زَيْدِ بْنِ ثَابِتٍ وَأَبِي هُرَيْرَةَ فَاسْأَلُوهُمَا عَنْ ذَلِكَ ثُمَّ ائْتُونِي فَأَخْبِرُونِي مَاذَا يَقُولاَنِ فَأَتَوْهُمَا فَسَأَلُوهُمَا فَقَالاَ لاَ بَأْسَ بِهِ . فَأَتَوْا مَرْوَانَ فَأَخْبَرُوهُ . فَقَالَ مَرْوَانُ قَدْ قُلْتُ لَكُمْ . قَالَ مَالِكٌ لاَ بَأْسَ بِأَكْلِ الْحِيتَانِ يَصِيدُهَا الْمَجُوسِيُّ لأَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ فِي الْبَحْرِ " **هُوَ الطَّهُورُ مَاؤُهُ الْحِلُّ مَيْتَتُهُ** " . قَالَ مَالِكٌ وَإِذَا أُكِلَ ذَلِكَ مَيْتًا فَلاَ يَضُرُّهُ مَنْ صَادَهُ .

USC-MSA web (English) reference : Book 25, Hadith 12
Arabic reference : Book 25, Hadith 1064

Yahya related to me from Malik from Ibn Shibab from Abu Idris al- Khawlani from Abu Tha~laba al-Khushani that the Messenger of Allah, may Allah bless him and grant him peace, said, "It is haram to eat animals with fangs "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي إِدْرِيسَ الْخَوْلاَنِيِّ، عَنْ أَبِي ثَعْلَبَةَ الْخُشَنِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " **أَكْلُ كُلِّ ذِي نَابٍ مِنَ السِّبَاعِ حَرَامٌ** " .

USC-MSA web (English) reference : Book 25, Hadith 13
Arabic reference : Book 25, Hadith 1065

Yahya related to me from Malik from Ismail ibn Abi Hakim from Abiyda ibn Sufyan al-Hadrami from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Eating animals with fangs is haram. "

Malik said, "This is the custom among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَكِيمٍ، عَنْ عَبِيدَةَ بْنِ سُفْيَانَ الْحَضْرَمِيِّ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَكْلُ كُلِّ ذِي نَابٍ مِنَ السِّبَاعِ حَرَامٌ " .

USC-MSA web (English) reference : Book 25, Hadith 14
Arabic reference : Book 25, Hadith 1066

Yahya related to me from Malik that the best of what he had heard about horses, mules, and donkeys was that they were not eaten because Allah, the Blessed, the Exalted,said, "And horses, and mules and asses, for you to ride, and as an adornment. " (Sura 16 ayat 8) . He said, may He be Blessed and Exalted, "In cattle, some of them you ride, and some of them you eat." (Sura 6 ayat 79). He said, the Blessed, the Exalted, "Mention Allah's name over what He has provided you of cattle, and eat of them and feed the beggar (al-qani) and the suppliant (al-mutarr). (Sura 22 ayat 34).

Malik said "Allah mentioned horses, mules, and donkeys for riding and adornment, and He mentioned cattle for riding and eating."
Malik said, "Al-qani also means the poor."

USC-MSA web (English) reference : Book 25, Hadith 15

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Abdullah ibn Abbas said, "The Messenger of Allah, may Allah bless him and grant him peace, passed by a dead sheep which had been given to a mawla of his wife, Maimuna. He said, ' Aren't you going to use its skin?' They said, 'Messenger of Allah, but it is carrion. 'The Messenger of Allah, may Allah bless him and grant him peace, said, 'Only eating it is haram.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ قَالَ مَرَّ رَسُولُ اللَّهِ صلى الله عليه وسلم بِشَاةٍ مَيِّتَةٍ كَانَ أَعْطَاهَا مَوْلاَةً لِمَيْمُونَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم فَقَالَ " أَفَلاَ انْتَفَعْتُمْ بِجِلْدِهَا " . فَقَالُوا يَا رَسُولَ اللَّهِ إِنَّهَا مَيْتَةٌ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّمَا حُرِّمَ أَكْلُهَا " .

USC-MSA web (English) reference : Book 25, Hadith 16
Arabic reference : Book 25, Hadith 1067

Malik related to me from Zayd ibn Aslam from Ibn Wala al-Misri from Abdullah ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, said, "A skin when it is tanned is pure."

وَحَدَّثَنِي مَالِكٌ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنِ ابْنِ وَعْلَةَ الْمِصْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا دُبِغَ الإِهَابُ فَقَدْ طَهُرَ " .

USC-MSA web (English) reference : Book 25, Hadith 17
Arabic reference : Book 25, Hadith 1068

Yahya related to me from Malik from Yazid ibn Abdullah ibn Qusayt from Muhammad ibn Abd ar-Rahman ibn Thawban from his mother that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said that the Messenger of Allah, may Allah bless him and grant him peace, ordered that the skins of carrion be used after they had been tanned.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ، عَنْ أُمِّهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَمَرَ أَنْ يُسْتَمْتَعَ بِجُلُودِ الْمَيْتَةِ إِذَا دُبِغَتْ ‏.‏

USC-MSA web (English) reference : Book 25, Hadith 18
Arabic reference : Book 25, Hadith 1069

Yahya related to me from Malik that the best of what he had heard about a man who is forced by necessity to eat carrion is that he ate it until he was full and then he took provision from it. If he found something which would enable him to dispense with it, he threw it away.

Malik when asked whether or not a man who had been forced by necessity to eat carrion, should eat it when he also found the fruit, crops or sheep of a people in that place, answered, "If he thinks that the owners of the fruit, crops, or sheep will believe his necessity so that he will not be deemed a thief and have his hand cut off, then I think that he should eat from whatever he finds that which will remove his hunger but he should not carry any of it away. I prefer that he does that than that he eat carrion. If he fears that he will not be believed, and will be deemed a thief for what he has taken, then I think that it is better for him to eat the carrion, and he has leeway to eat carrion in this respect. Even so, I fear that someone who is not forced by necessity to eat carrion might exceed the limits out of a desire to consume other peoples' property, crops or fruit."
Malik said, "That is the best of what I have heard."

USC-MSA web (English) reference : Book 25, Hadith 19

26 - The 'Aqiqa كتاب العقيقة

Yahya related to me from Zayd ibn Aslam from a man of the Banu Damra that his father said, "The Messenger of Allah, may Allah bless him and grant him peace, was asked about the Aqiqa. He said, 'I do not like disobedience (uquq),' as if he disliked the name. He said, 'If anyone has a child born to him, and wants to sacrifice for his child, then let him do it.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ رَجُلٍ، مِنْ بَنِي ضَمْرَةَ عَنْ أَبِيهِ، أَنَّهُ قَالَ سُئِلَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَنِ الْعَقِيقَةِ فَقَالَ " لاَ أُحِبُّ الْعُقُوقَ " . وَكَأَنَّهُ إِنَّمَا كَرِهَ الاِسْمَ وَقَالَ " مَنْ وُلِدَ لَهُ وَلَدٌ فَأَحَبَّ أَنْ يَنْسُكَ عَنْ وَلَدِهِ فَلْيَفْعَلْ " .

USC-MSA web (English) reference : Book 26, Hadith 1
Arabic reference : Book 26, Hadith 1070

Yahya related to me from Malik from Jafar ibn Muhammad that his father said, "Fatima, the daughter of the Messenger of Allah, may Allah bless him and grant him peace, weighed the hair of Hasan, Husayn, Zaynab and Umm Kulthum, and gave away in sadaqa an equivalent weight of silver."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، أَنَّهُ قَالَ وَزَنَتْ فَاطِمَةُ بِنْتُ رَسُولِ اللَّهِ صلى الله عليه وسلم شَعَرَ حَسَنٍ وَحُسَيْنٍ وَزَيْنَبَ وَأُمِّ كُلْثُومٍ فَتَصَدَّقَتْ بِزِنَةِ ذَلِكَ فِضَّةً .

USC-MSA web (English) reference : Book 26, Hadith 2
Arabic reference : Book 26, Hadith 1071

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that Muhammad ibn Ali ibn al-Husayn said, "Fatima, the daughter of the Messenger of Allah, may Allah bless him and grant him peace, weighed the hair of Hasan and Husayn, and gave away in sadaqa the equivalent weight in silver."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحُسَيْنِ، أَنَّهُ قَالَ وَزَنَتْ فَاطِمَةُ بِنْتُ رَسُولِ اللَّهِ صلى الله عليه وسلم شَعَرَ حَسَنٍ وَحُسَيْنٍ فَتَصَدَّقَتْ بِزِنَتِهِ فِضَّةً .

USC-MSA web (English) reference : Book 26, Hadith 3
Arabic reference : Book 26, Hadith 1072

Yahya related to me from Malik from Nafi that if any of Abdullah ibn Umar's family asked him for an aqiqa, he would give it to them. He gave a sheep as aqiqa for both his male and female children.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، لَمْ يَكُنْ يَسْأَلُهُ أَحَدٌ مِنْ أَهْلِهِ عَقِيقَةً إِلاَّ أَعْطَاهُ إِيَّاهَا وَكَانَ يَعُقُّ عَنْ وَلَدِهِ بِشَاةٍ شَاةٍ عَنِ الذُّكُورِ وَالإِنَاثِ .

USC-MSA web (English) reference : Book 26, Hadith 4
Arabic reference : Book 26, Hadith 1073

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that Muhammad ibn Ibrahim ibn al-Harith at-Taymi said, "I heard my father say that the aqiqa was desirable, even if it was only a sparrow."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، أَنَّهُ قَالَ سَمِعْتُ أَبِي يَسْتَحِبُّ الْعَقِيقَةَ، وَلَوْ بِعُصْفُورٍ .

USC-MSA web (English) reference : Book 26, Hadith 5
Arabic reference : Book 26, Hadith 1074

Yahya related to me from Malik that he heard that there had been an aqiqa for Hasan and Husayn, the sons of Ali ibn Abi Talib.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّهُ عُقَّ عَنْ حَسَنٍ، وَحُسَيْنٍ، ابْنَىْ عَلِيِّ بْنِ أَبِي طَالِبٍ .

USC-MSA web (English) reference : Book 26, Hadith 64
Arabic reference : Book 26, Hadith 1075

Yahya related to me from Malik from Hisham ibn Urwa that his father, Urwa ibn az-Zubayr made an aqiqa for his male and female children of a sheep each.

Malik said, "What we do about the aqiqa is that if someone makes an aqiqa for his children, he gives a sheep for both male and female. The aqiqa is not obligatory but it is desirable to do it, and people continue to come to us about it. If someone makes an aqiqa for his children, the same rules apply as with all sacrificial animals - one-eyed, emaciated, injured, or sick animals must not be used, and neither the meat or the skin is to be sold. The bones are broken and the family eat the meat and give some of it away as sadaqa. The child is not smeared with any of the blood ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ أَبَاهُ، عُرْوَةَ بْنَ الزُّبَيْرِ كَانَ يَعُقُّ عَنْ بَنِيهِ الذُّكُورِ، وَالإِنَاثِ، بِشَاةٍ شَاةٍ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الْعَقِيقَةِ أَنَّ مَنْ عَقَّ فَإِنَّمَا يَعُقُّ عَنْ وَلَدِهِ بِشَاةٍ شَاةٍ الذُّكُورِ وَالإِنَاثِ وَلَيْسَتِ الْعَقِيقَةُ بِوَاجِبَةٍ وَلَكِنَّهَا يُسْتَحَبُّ الْعَمَلُ بِهَا وَهِيَ مِنَ الأَمْرِ الَّذِي لَمْ يَزَلْ عَلَيْهِ النَّاسُ عِنْدَنَا فَمَنْ عَقَّ عَنْ وَلَدِهِ فَإِنَّمَا هِيَ بِمَنْزِلَةِ النُّسُكِ وَالضَّحَايَا لاَ يَجُوزُ فِيهَا عَوْرَاءُ وَلاَ عَجْفَاءُ وَلاَ مَكْسُورَةٌ وَلاَ مَرِيضَةٌ وَلاَ يُبَاعُ مِنْ لَحْمِهَا شَىْءٌ وَلاَ جِلْدُهَا وَيُكْسَرُ عِظَامُهَا وَيَأْكُلُ أَهْلُهَا مِنْ لَحْمِهَا وَيَتَصَدَّقُونَ مِنْهَا وَلاَ يُمَسُّ الصَّبِيُّ بِشَىْءٍ مِنْ دَمِهَا .

USC-MSA web (English) reference : Book 26, Hadith 7
Arabic reference : Book 26, Hadith 1076

27 - Fara'id كتاب الفرائض

Yahya related to me from Malik, "The generally agreed upon way of doing things among us and what I have seen the people of knowledge doing in our city about the fixed shares of inheritance of children from the mother or father when one or other of them dies is that if they leave male and female children, the male takes the portion of two females. If there are only females, and there are more than two, they get two thirds of what is left between them. If there is only one, she gets a half. If someone shares with the children, who has a fixed share and there are males among them, the reckoner begins with the ones with fixed shares. What remains after that is divided among the children according to their inheritance.

"When there are no children, grandchildren through sons have the same position as children, so that grandsons are like sons and grand-daughters are like daughters. They inherit as they inherit and they overshadow as they overshadow. If there are both children and grandchildren through sons, and there is a male among the children, then the grandchildren through sons do not share in the inheritance with him.

"If there is no surviving male among the children, and there are two or more daughters, the granddaughters through a son do not share in the inheritance with them unless there is a male who is in the same position as them in relation to the deceased, or further than them. His presence gives access to whatever is left over, if any, to whoever is in his position and whoever is above him of the granddaughters through sons. If something is left over, they divide it among them, and the male takes the portion of two females. If nothing is left over, they have nothing.

"If the only descendant is a daughter, she takes half, and if there are one or more grand-daughters through a son who are in the same position to the deceased, they share a sixth. If there is a male in the same position as the granddaughters through a son in relation to the deceased, they have no share and no sixth .

"If there is a surplus after the allotting of shares to the people with fixed shares, the surplus goes to the male and whoever is in his position and whoever is above him of the female descendants through sons. The male has the share of two females. The one who is more distant in relationship than grandchildren through sons has nothing. If there is no surplus, they have nothing. That is because Allah, the Blessed, the Exalted, said in His Book, 'Allah charges you about your children that the male has the like of the portion of two females. If there are more than two women they have two thirds of what is left. If there is one, she has a half.' (Sura 4 ayat 10)

USC-MSA web (English) reference : Book 27, Hadith 0

Malik said, "The inheritance of a husband from a wife when she leaves no children or grandchildren through sons is a half. If she leaves children or grandchildren through sons, male or female, by her present or previous husbands, the husband has a quarter after bequests or debts. The inheritance of a wife from a husband who does not leave children or grandchildren through sons is a quarter. If he leaves children or grandchildren through sons, male or female, the wife has an eighth after bequests and debts. That is because Allah, the Blessed, the Exalted! said in His Book, 'You have a half of what your wives leave if they have no children. If they have children, you have a fourth of what they leave after bequests and debts. They have a fourth of what you leave if you have no children. If you have children, they have an eighth after bequests or debts.' " (Sura4ayat 11).

USC-MSA web (English) reference : Book 27, Hadith 0

Malik said, "The generally agreed on way of doing things among us about which there is no dispute and what I have seen the people of knowledge in our city doing is that when a father inherits from a son or a daughter and the deceased leaves children, or grandchildren through a son, the father has a fixed share of one sixth. If the deceased does leave any children or male grandchildren through a son, the apportioning begins with those with whom the father shares in the fixed shares. They are given their fixed shares. If a sixth or more is left over, the sixth and what is

above it is given to the father, and if there is less than a sixth left, the father is given his sixth as a fixed share, (i.e. the other shares are adjusted.)

"The inheritance of a mother from her child, if her son or daughter dies and leaves children or male or female grandchildren through a son, or leaves two or more full or half siblings is a sixth. If the deceased does not leave any children or grandchildren through a son, or two or more siblings, the mother has a whole third except in two cases. One of them is if a man dies and leaves a wife and both parents. The wife has a fourth, the mother a third of what remains, (which is a fourth of the capital). The other is if a wife dies and leaves a husband and both parents. The husband gets half, and the mother a third of what remains, (which is a sixth of the capital). That is because Allah, the Blessed, the Exalted, says in His Book, 'His two parents each have a sixth of what he leaves if he has children. If he does not have children, and his parents inherit from him, his mother has a third. If he has siblings, the mother has a sixth.' (Sura 4 ayat 11). The sunna is that the siblings be two or more."

USC-MSA web (English) reference : Book 27, Hadith 0

Malik said, "The generally agreed upon way of doing things among us is that maternal half-siblings do not inherit anything when there are children or grandchildren through sons, male or female. They do not inherit anything when there is a father or the father's father. They inherit in what is outside of that. If there is only one male or female, they are given a sixth. If there are two, each of them has a sixth. If there are more than that, they share in a third which is divided among them. The male does not have portion of two females. That is because Allah, the Blessed, the Exalted, says in His Book, 'If a man or woman has no direct heir, and he has a brother or sister, by the mother, each of them has a sixth. If there are more than two, they share equally in a third.' " (Sura 4 ayat 12).

USC-MSA web (English) reference : Book 27, Hadith 0

Malik said, "The generally agreed on way of doing things among us is that full siblings do not inherit anything with sons nor anything with grandsons through a son, nor anything with the father. They do inherit with the daughters and the granddaughters through a son when the deceased does not leave a paternal grandfather. Any property that is left over, they are in it as paternal relations. One begins with the people who are allotted fixed shares. They are given their shares. If there is anything left over after that, it belongs to the full siblings. They divide it between themselves according to the Book of Allah, whether they are male or female. The male has a portion of two females. If there is nothing left over, they have nothing.

"If the deceased does not leave a father or a paternal grandfather or children or male or female grandchildren through a son, a single full sister gets a half. If there are two or more full sisters, they get two thirds. If there is a brother with them, sisters, whether one or more, do not have a fixed share. One begins with whoever shares in the fixed shares. They are given their shares. Whatever remains after that goes to the full siblings. The male has the portion of two females except in one case, in which the full siblings have nothing. They share in this case the third of the half-siblings by the mother. That case is when a woman dies and leaves a husband, a mother, half- siblings by her mother, and full siblings. The husband has a half. The mother has one sixth. The half-siblings by the mother have a third. Nothing is left after that, so the full siblings share in this case with the half-siblings by the mother in their third. The male has the portion of two females in as much as all of them are siblings of the deceased by the mother. They inherit by the mother. That is because Allah, the Blessed, the Exalted, said in His Book, 'If a man or a woman has no direct heir and he has a brother or a sister, each one of the two gets a sixth. If there are more than that, they share equally in the third. ' (Sura 4 ayat 12) . They therefore share in this case because all of them are siblings of the deceased by the mother."

USC-MSA web (English) reference : Book 27, Hadith 0

Malik said, "The generally agreed on wayof doing things among us is that when there are no full siblings with them, half-siblings by the father take the position of full siblings. Their males are like the males of the full siblings, and

their females are like their females except in the case where the half-siblings by the mother and the full siblings share, because they are not offspring of the mother who joins these."

Malik said, "If there are both full siblings and half-siblings by the father and there is a male among the full siblings none of the half-siblings by the father have any inheritance. If there is one or more females in the full siblings and there is no male with them, the one full sister gets a half, and the half sister by the father gets a sixth, completing the two-thirds. If there is a male with the half-sisters by the father, they have no share. The people of fixed shares are given their shares and if there is something left after that it is divided between the half-siblings by the father. The male has the portion of two females. If there is nothing left over, they get nothing. If the full siblings consist of two or more females, they get two-thirds, and the half-sisters by the father get nothing with them unless there is a half-brother by the father with them. If there is a half-brother by the father with them, the people of fixed shares are given their shares and if there is something left over after that, it is divided between the half- siblings by the father. The male gets the portion of two females. If there is nothing left over, they get nothing. Half-siblings by the mother, full-siblings, and half-siblings by the father, each have a sixth (when they are onlyone). Two and more share a third. The male has the same portion as the female. They are in the same position in it."

USC-MSA web (English) reference : Book 27, Hadith 0

Yahya related to me from Malik from Yahya ibn Said that he had heard that Muawiya ibn Abi Sufyan wrote to Zayd ibn Thabit asking him about the grandfather. Zayd ibn Thabit wrote to him, "You have written to me asking me about the grandfather. Allah knows best. That is part of what is only determined by the amirs, i.e. the khalifs. I was present with two khalifs before you who gave the grandfather a half with one sibling, and a third with two. If there were more siblings, they did not decrease his third."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ بَلَغَهُ أَنَّ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ، كَتَبَ إِلَى زَيْدِ بْنِ ثَابِتٍ يَسْأَلُهُ عَنِ الْجَدِّ، فَكَتَبَ إِلَيْهِ زَيْدُ بْنُ ثَابِتٍ إِنَّكَ كَتَبْتَ إِلَىَّ تَسْأَلُنِي عَنِ الْجَدِّ، وَاللَّهُ، أَعْلَمُ وَذَلِكَ مِمَّا لَمْ يَكُنْ يَقْضِي فِيهِ إِلاَّ الأُمَرَاءُ - يَعْنِي الْخُلَفَاءَ - وَقَدْ حَضَرْتُ الْخَلِيفَتَيْنِ قَبْلَكَ يُعْطِيَانِهِ النِّصْفَ مَعَ الأَخِ الْوَاحِدِ وَالثُّلُثَ مَعَ الاِثْنَيْنِ فَإِنْ كَثُرَتِ الإِخْوَةُ لَمْ يُنَقِّصُوهُ مِنَ الثُّلُثِ ‏.‏

USC-MSA web (English) reference : Book 27, Hadith 1
Arabic reference : Book 27, Hadith 1077

Yahya related to me from Malik from Ibn Shihab from Qabisa ibn Dhu'ayba that Umar ibn al-Khattab gave the grandfather "what people give him today."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ قَبِيصَةَ بْنِ ذُؤَيْبٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، فَرَضَ لِلْجَدِّ الَّذِي يَفْرِضُ النَّاسُ لَهُ الْيَوْمَ ‏.‏

USC-MSA web (English) reference : Book 27, Hadith 2
Arabic reference : Book 27, Hadith 1078

Yahya related to me from Malik that he had heard that Sulayman ibn Yasar said, "Umar ibn al-Khattab, Uthman ibn Affan, andZayd ibn Thabit gave the grandfather a third with full siblings". Malik said, "The generally agreed on way of doing things among us and what I have seen the people of knowledge in our city doing is that the paternal grandfather does not inherit anything at all with the father. He is given a sixth as a fixed share with the son and the grandson through a son. Other than that, when the deceased does not leave a mother or a paternal aunt, one begins with whoever has a fixed share, and they are given their shares. If there is a sixth of the property left over, the grandfather is given a sixth as a fixed share."

Malik said, "When someone shares with the grandfather and the full siblings in a specified share, one begins with whoever shares with them of the people of fixed shares. They are given their shares. What is left over after that

belongs to the grandfather and the full siblings. Then one sees which is the more favourable of two alternatives for the portion of the grandfather. Either a third is allotted to him and the siblings to divide between them, and he gets a share as if he were one of the siblings, or else he takes a sixth from all the capital. Whichever is the best portion for the grandfather is given to him. What is left after that, goes to the full siblings. The male gets the portion of two females except in one particular case. The division in this case is different from the preceding one. This case is when a woman dies and leaves a husband, mother, full sister and grandfather. The husband gets a half, the mother gets a third, the grandfather gets a sixth, and the full sister gets a half. The sixth of the grandfather and the half of the sister are joined and divided into thirds. The male gets the share of two females. Therefore, the grandfather has two thirds, and the sister has one third."

Malik said, "The inheritance of the half-siblings by the father with the grandfather when there are no full siblings with them, is like the inheritance of the full siblings (in the same situation). The males are the same as their males and the females are the same as their females. When there are both full siblings and half-siblings by the father, the full siblings include in their number the number of half-siblings by the father, to limit the inheritance of the grandfather, i.e., if there was only one full sibling with the grandfather. They would share, after the allotting of the fixed shares, the remainder of the inheritance between them equally. If there were also two half-siblings by the father, their number is added to the division of the sum, which would then be divided four ways. A quarter going to the grandfather and three-quarters going to the full siblings who annex the shares technically allotted to the half-siblings by the father. They do not include the number of half-siblings by the mother, because if there were only half-siblings by the father they would not inherit anything with the grandfather and all the capital would belong to the grandfather, and so the siblings would not get anything after the portion of the grandfather.
"It belongs to the full siblings more than the half-siblings by the father, and the half-siblings by the father do not get anything with them unless the full siblings consist of one sister. If there is one full sister, she includes the grandfather with the half-siblings by her father in the division, however many. Whatever remains for her and these half-siblings by the father goes to her rather than them until she has had her complete share, which is half of the total capital. If there is surplus beyond half of all the capital in what she and the half-siblings by the father acquire it goes to them. The male has the portion of two females. If there is nothing left over, they get nothing."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّهُ قَالَ فَرَضَ عُمَرُ بْنُ الْخَطَّابِ وَعُثْمَانُ بْنُ عَفَّانَ وَزَيْدُ بْنُ ثَابِتٍ لِلْجَدِّ مَعَ الإِخْوَةِ الثُّلُثَ . قَالَ مَالِكٌ وَالأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا وَالَّذِي أَدْرَكْتُ عَلَيْهِ أَهْلَ الْعِلْمِ بِبَلَدِنَا أَنَّ الْجَدَّ أَبَا الأَبِ لاَ يَرِثُ مَعَ الأَبِ دِنْيَا شَيْئًا وَهُوَ يُفْرَضُ لَهُ مَعَ الْوَلَدِ الذَّكَرِ وَمَعَ ابْنِ الاِبْنِ الذَّكَرِ السُّدُسُ فَرِيضَةً وَهُوَ فِيمَا سِوَى ذَلِكَ مَا لَمْ يَتْرُكِ الْمُتَوَفَّى أَخًا أَوْ أُخْتًا لأَبِيهِ يُبَدَّأُ بِأَحَدٍ إِنْ شَرَّكَهُ بِفَرِيضَةٍ مُسَمَّاةٍ فَيُعْطَوْنَ فَرَائِضَهُمْ فَإِنْ فَضَلَ مِنَ الْمَالِ السُّدُسُ فَمَا فَوْقَهُ فُرِضَ لِلْجَدِّ السُّدُسُ فَرِيضَةً . قَالَ مَالِكٌ وَالْجَدُّ وَالإِخْوَةُ لِلأَبِ وَالأُمِّ إِذَا شَرَّكَهُمْ أَحَدٌ بِفَرِيضَةٍ مُسَمَّاةٍ يُبَدَّأُ بِمَنْ شَرَّكَهُمْ مِنْ أَهْلِ الْفَرَائِضِ فَيُعْطَوْنَ فَرَائِضَهُمْ فَمَا بَقِيَ بَعْدَ ذَلِكَ لِلْجَدِّ وَالإِخْوَةِ مِنْ شَىْءٍ فَإِنَّهُ يُنْظَرُ أَىُّ ذَلِكَ أَفْضَلُ لِحَظِّ الْجَدِّ أُعْطِيَهُ الثُّلُثُ مِمَّا بَقِيَ لَهُ وَلِلإِخْوَةِ أَوْ يَكُونُ بِمَنْزِلَةِ رَجُلٍ مِنَ الإِخْوَةِ فِيمَا يَحْصُلُ لَهُ وَلَهُمْ يُقَاسِمُهُمْ بِمِثْلِ حِصَّةِ أَحَدِهِمْ أَوِ السُّدُسُ مِنْ رَأْسِ الْمَالِ كُلِّهِ أَىُّ ذَلِكَ كَانَ أَفْضَلَ لِحَظِّ الْجَدِّ أُعْطِيَهُ الْجَدُّ وَكَانَ مَا بَقِيَ بَعْدَ ذَلِكَ لِلإِخْوَةِ لِلأَبِ وَالأُمِّ لِلذَّكَرِ مِثْلُ حَظِّ الأُنْثَيَيْنِ إِلاَّ فِي فَرِيضَةٍ وَاحِدَةٍ تَكُونُ قِسْمَتُهُمْ فِيهَا عَلَى غَيْرِ ذَلِكَ وَتِلْكَ الْفَرِيضَةُ امْرَأَةٌ تُوُفِّيَتْ وَتَرَكَتْ زَوْجَهَا وَأُمَّهَا وَأُخْتَهَا لأُمِّهَا وَأَبِيهَا وَجَدَّهَا فَلِلزَّوْجِ النِّصْفُ وَلِلأُمِّ الثُّلُثُ وَلِلْجَدِّ السُّدُسُ وَلِلأُخْتِ لِلأُمِّ وَالأَبِ النِّصْفُ ثُمَّ يُجْمَعُ سُدُسُ الْجَدِّ وَنِصْفُ الأُخْتِ فَيُقْسَمُ أَثْلاَثًا لِلذَّكَرِ مِثْلُ حَظِّ الأُنْثَيَيْنِ فَيَكُونُ لِلْجَدِّ ثُلُثَاهُ وَلِلأُخْتِ ثُلُثُهُ . قَالَ مَالِكٌ وَمِيرَاثُ الإِخْوَةِ لِلأَبِ مَعَ الْجَدِّ إِذَا لَمْ يَكُنْ مَعَهُمْ إِخْوَةٌ لأَبٍ وَأُمٍّ كَمِيرَاثِ الإِخْوَةِ لِلأَبِ وَالأُمِّ سَوَاءٌ ذَكَرُهُمْ كَذَكَرِهِمْ وَأُنْثَاهُمْ كَأُنْثَاهُمْ فَإِذَا اجْتَمَعَ الإِخْوَةُ لِلأَبِ وَالأُمِّ وَالإِخْوَةُ لِلأَبِ فَإِنَّ الإِخْوَةَ لِلأَبِ

وَالأُمِّ يُعَادُّونَ الْجَدَّ بِإِخْوَتِهِمْ لأَبِيهِمْ فَيَمْنَعُونَهُ بِهِمْ كَثْرَةَ الْمِيرَاثِ بِعَدَدِهِمْ وَلاَ يُعَادُّونَهُ بِالإِخْوَةِ لِلأُمِّ لأَنَّهُ لَوْ لَمْ يَكُنْ مَعَ الْجَدِّ غَيْرُهُمْ لَمْ يَرِثُوا مَعَهُ شَيْئًا وَكَانَ الْمَالُ كُلُّهُ لِلْجَدِّ فَمَا حَصَلَ لِلإِخْوَةِ مِنْ بَعْدِ حَظِّ الْجَدِّ فَإِنَّهُ يَكُونُ لِلإِخْوَةِ مِنَ الأَبِ وَالأُمِّ دُونَ الإِخْوَةِ لِلأَبِ وَلاَ يَكُونُ لِلإِخْوَةِ لِلأَبِ مَعَهُمْ شَىْءٌ إِلاَّ أَنْ يَكُونَ الإِخْوَةُ لِلأَبِ وَالأُمِّ امْرَأَةً وَاحِدَةً فَإِنْ كَانَتِ امْرَأَةً وَاحِدَةً فَإِنَّهَا تُعَادُّ الْجَدَّ بِإِخْوَتِهَا لأَبِيهَا مَا كَانُوا فَمَا حَصَلَ لَهُمْ وَلَهَا مِنْ شَىْءٍ كَانَ لَهَا دُونَهُمْ مَا بَيْنَهَا وَبَيْنَ أَنْ تَسْتَكْمِلَ فَرِيضَتَهَا وَفَرِيضَتُهَا النِّصْفُ مِنْ رَأْسِ الْمَالِ كُلِّهِ فَإِنْ كَانَ فِيمَا يُحَازُ لَهَا وَلإِخْوَتِهَا لأَبِيهَا فَضْلٌ عَنْ نِصْفِ رَأْسِ الْمَالِ كُلِّهِ فَهُوَ لإِخْوَتِهَا لأَبِيهَا لِلذَّكَرِ مِثْلُ حَظِّ الأُنْثَيَيْنِ فَإِنْ لَمْ يَفْضُلْ شَىْءٌ فَلاَ شَىْءَ لَهُمْ ‏.‏

USC-MSA web (English) reference : Book 27, Hadith 31
Arabic reference : Book 27, Hadith 1079

Yahya related to me from Malik from Ibn Shihab from Uthman ibn Ishaq ibn Kharasha that Qabisa ibn Dhu'ayb said, "A grandmother came to Abu Bakr as-Siddiq and asked him for her inheritance. Abu Bakr said to her, 'You have nothing in the Book of Allah, and I do not know that you have anything in the sunna of the Messenger of Allah, may Allah bless him and grant him peace. Go away therefore, until I have questioned the people.' (i.e.the Companions). He questioned the people, and al-Mughira ibn Shuba said, 'I was present with the Messenger of Allah, may Allah bless him and grant him peace, when he gave the grandmother a sixth.' Abu Bakr said, 'Was there anybody else with you?' Muhammad ibn Maslama al-Ansari stood up and said the like of what al-Mughira said. Abu Bakr as-Siddiq gave it to her. Then the other grandmother came to Umar ibn al-Khattab and asked him for her inheritance. He said to her, "You have nothing in the Book of Allah, and what has been decided is only for other than you, and I am not one to add to the fixed shares, other than that sixth. If there are two of you together, it is between you. If eitherof you is left alone with it, it is hers."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُثْمَانَ بْنِ إِسْحَاقَ بْنِ خَرَشَةَ، عَنْ قَبِيصَةَ بْنِ ذُؤَيْبٍ، أَنَّهُ قَالَ جَاءَتِ الْجَدَّةُ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ تَسْأَلُهُ مِيرَاثَهَا فَقَالَ لَهَا أَبُو بَكْرٍ مَا لَكِ فِي كِتَابِ اللَّهِ شَىْءٌ وَمَا عَلِمْتُ لَكِ فِي سُنَّةِ رَسُولِ اللَّهِ صلى الله عليه وسلم شَيْئًا فَارْجِعِي حَتَّى أَسْأَلَ النَّاسَ فَسَأَلَ النَّاسَ ‏.‏ فَقَالَ الْمُغِيرَةُ بْنُ شُعْبَةَ حَضَرْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم أَعْطَاهَا السُّدُسَ ‏.‏ فَقَالَ أَبُو بَكْرٍ هَلْ مَعَكَ غَيْرُكَ فَقَامَ مُحَمَّدُ بْنُ مَسْلَمَةَ الأَنْصَارِيُّ فَقَالَ مِثْلَ مَا قَالَ الْمُغِيرَةُ فَأَنْفَذَهُ لَهَا أَبُو بَكْرٍ الصِّدِّيقُ ثُمَّ جَاءَتِ الْجَدَّةُ الأُخْرَى إِلَى عُمَرَ بْنِ الْخَطَّابِ تَسْأَلُهُ مِيرَاثَهَا فَقَالَ لَهَا مَا لَكِ فِي كِتَابِ اللَّهِ شَىْءٌ وَمَا كَانَ الْقَضَاءُ الَّذِي قُضِيَ بِهِ إِلاَّ لِغَيْرِكِ وَمَا أَنَا بِزَائِدٍ فِي الْفَرَائِضِ شَيْئًا وَلَكِنَّهُ ذَلِكَ السُّدُسُ فَإِنِ اجْتَمَعْتُمَا فَهُوَ بَيْنَكُمَا وَأَيَّتُكُمَا خَلَتْ بِهِ فَهُوَ لَهَا ‏.‏

USC-MSA web (English) reference : Book 27, Hadith 4
Arabic reference : Book 27, Hadith 1080

Yahya related to me from Malik from Yahya ibn Said that al-Qasim ibn Muhammad said, "Two grandmothers came to Abu Bakr asSiddiq, and he wanted to give the sixth to the one who was from the mother's side, and a man of the Ansar said, 'What? Are you omitting the one from whom he would inherit if she died while he was alive?' Abu Bakr divided the sixth between them.~

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ قَالَ أَتَتِ الْجَدَّتَانِ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ فَأَرَادَ أَنْ يَجْعَلَ السُّدُسَ، لِلَّتِي مِنْ قِبَلِ الأُمِّ فَقَالَ لَهُ رَجُلٌ مِنَ الأَنْصَارِ أَمَا إِنَّكَ تَتْرُكُ الَّتِي لَوْ مَاتَتْ وَهُوَ حَىٌّ كَانَ إِيَّاهَا يَرِثُ فَجَعَلَ أَبُو بَكْرٍ السُّدُسَ بَيْنَهُمَا .

USC-MSA web (English) reference : Book 27, Hadith 5
Arabic reference : Book 27, Hadith 1081

Yahya related to me from Malik from Abdu Rabbih ibn Said that Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham only gave a fixed share to two grandmothers (together).

Malik said, "The generally agreed on way of doing things among us in which there is no dispute and which I saw the people of knowledge in our city doing, is that the maternal grandmother does not inherit anything at all with the mother. Outside of that, she is given a sixth as a fixed share. The paternal grandmotherdoes not inherit anything along with the mother or the father. Outside of that she is given a sixth as a fixed share." If both the paternal grandmother and maternal grandmother are alive, and the deceased does not have a father or mother outside of them, Malik said,."I have heard that if the maternal grandmother is the nearest of the two of them, then she has a sixth instead of the paternal grandmother. If the paternal grandmother is nearer, or they are in the same position in relation to the deceased, the sixth is divided equally between them."
Malik said, "None of the female grand-relations except for these two has any inheritance because I have heard that the Messenger of Allah, may Allah bless him and grant him peace, gave the grandmother inheritance, and then Abu Bakr asked about that until someone reliable related from the Messenger of Allah, may Allah bless him and grant him peace, that he had made the grandmother an heir and given a share to her. Another grandmother came to Umar ibn al-Khattab, and he said, 'I am not one to add to fixed shares. If there are two of you together, it is between you. If either of you is left alone with it, it is hers.' " Malik said, "We do not know of anyone who made other than the two grandmothers heirs from the beginning of Islam to this day."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ رَبِّهِ بْنِ سَعِيدٍ، أَنَّ أَبَا بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، كَانَ لاَ يَفْرِضُ إِلاَّ لِلْجَدَّتَيْنِ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا الَّذِي لاَ اخْتِلاَفَ فِيهِ وَالَّذِي أَدْرَكْتُ عَلَيْهِ أَهْلَ الْعِلْمِ بِبَلَدِنَا أَنَّ الْجَدَّةَ أُمَّ الأُمِّ لاَ تَرِثُ مَعَ الأُمِّ دِنْيَا شَيْئًا وَهِيَ فِيمَا سِوَى ذَلِكَ يُفْرَضُ لَهَا السُّدُسُ فَرِيضَةً وَأَنَّ الْجَدَّةَ أُمَّ الأَبِ لاَ تَرِثُ مَعَ الأُمِّ وَلاَ مَعَ الأَبِ شَيْئًا وَهِيَ فِيمَا سِوَى ذَلِكَ يُفْرَضُ لَهَا السُّدُسُ فَرِيضَةً فَإِذَا اجْتَمَعَتِ الْجَدَّتَانِ أُمُّ الأَبِ وَأُمُّ الأُمِّ وَلَيْسَ لِلْمُتَوَفَّى دُونَهُمَا أَبٌ وَلاَ أُمٌّ . قَالَ مَالِكٌ فَإِنِّي سَمِعْتُ أَنَّ أُمَّ الأُمِّ إِنْ كَانَتْ أَقْعَدَهُمَا كَانَ لَهَا السُّدُسُ دُونَ أُمِّ الأَبِ وَإِنْ كَانَتْ أُمُّ الأَبِ أَقْعَدَهُمَا أَوْ كَانَتَا فِي الْقُعْدَدِ مِنَ الْمُتَوَفَّى بِمَنْزِلَةٍ سَوَاءً فَإِنَّ السُّدُسَ بَيْنَهُمَا نِصْفَانِ . قَالَ مَالِكٌ وَلاَ مِيرَاثَ لأَحَدٍ مِنَ الْجَدَّاتِ إِلاَّ لِلْجَدَّتَيْنِ لأَنَّهُ بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم وَرَّثَ الْجَدَّةَ ثُمَّ سَأَلَ أَبُو بَكْرٍ عَنْ ذَلِكَ حَتَّى أَتَاهُ الثَّبَتُ عَنْ رَسُولِ اللَّهِ صلى الله عليه وسلم أَنَّهُ وَرَّثَ الْجَدَّةَ فَأَنْفَذَهُ لَهَا ثُمَّ أَتَتِ الْجَدَّةُ الأُخْرَى إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ لَهَا مَا أَنَا بِزَائِدٍ فِي الْفَرَائِضِ شَيْئًا فَإِنِ اجْتَمَعْتُمَا فَهُوَ بَيْنَكُمَا وَأَيَّتُكُمَا خَلَتْ بِهِ فَهُوَ لَهَا . قَالَ مَالِكٌ ثُمَّ لَمْ نَعْلَمْ أَحَدًا وَرَّثَ غَيْرَ جَدَّتَيْنِ مُنْذُ كَانَ الإِسْلاَمُ إِلَى الْيَوْمِ .

USC-MSA web (English) reference : Book 27, Hadith 6
Arabic reference : Book 27, Hadith 1082

Yahya related to me from Malik from Zayd ibn Aslam that Umar ibn al-Khattab asked the Messenger of Allah, may Allah bless him and grant him peace, about someone who died without parents or offspring, and the Messenger of

Allah, may Allah bless him and grant him peace, said to him, "The ayat which was sent down in the summer at the end of the Surat an-Nisa (Sura 4) is enoughfor you."

Malik said, "The generally agreed on way of doing things among us, in which there is no dispute, and which I saw the people of knowledge in our city doing, is that the person who leaves neither parent or offspring can be of two types. As for the kind described in the ayat which was sent down at the beginning of the Surat an-Nisa in which Allah, the Blessed, the Exalted! said, 'If a man or a woman has no direct heir, but has a brother or a sister by the mother, each of the two has a sixth. If there are more than that, they share equally in a third.' (Sura 4 ayat 12) This heirless one does not have heirs among his mother's siblings since there are no children or parents. As for the other kind described in the ayat which comes at the end of the Surat an-Nisa, Allah, the Blessed, the Exalted, said in it, 'They will ask you for a decision. Say, "Allah gives you a decision about the indirect heirs. If a man perishes having no children, but he has a sister, she shall receive a half of what he leaves, and he is her heir if she has no children. If there are two sisters, they shall receive two-thirds of what he leaves. If there are brothers and sisters, the male shall receive the portion of two females. Allah makes clear to you that you might not go astray. Allah has knowledge of everything" ' " (Sura 4 ayat 176).

Malik said, "If this person without direct heirs (parents) or children has siblings by the father, they inherit with the grandfather from the person without direct heirs. The grandfather inherits with the siblings because he is more entitled to the inheritance than them. That is because he inherits a sixth with the male children of the deceased when the siblings do not inherit anything with the male children of the deceased. How can he not be like one of them when he takes a sixth with the children of the deceased? How can he not take a third with the siblings while the brother's sons take a third with them? The grandfather is the one who overshadows the half-siblings by the mother and keeps them from inheriting. He is more entitled to what they have because they are omitted for his sake. If the grandfather did not take that third, the half-siblings by the mother would take it and would take what does not return to the half-siblings by the father. The half-siblings by the mother are more entitled to that third than the half-siblings by the father while the grandfather is more entitled to that than the half- siblings by the mother."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، سَأَلَ رَسُولَ اللَّهِ صلى الله عليه وسلم عَنِ الْكَلاَلَةِ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " يَكْفِيكَ مِنْ ذَلِكَ الآيَةُ الَّتِي أُنْزِلَتْ فِي الصَّيْفِ آخِرَ سُورَةِ النِّسَاءِ " .

USC-MSA web (English) reference : Book 27, Hadith 7
Arabic reference : Book 27, Hadith 1083

Yahya related to me from Malik from Muhammad ibn Abi Bakr ibn Muhammad ibn Amribn Hazm that Abdar-Rahman ibn Hanthala az-Zurqi was informed by a mawla of Quraysh,who used to be known as Ibn Mursi, that he was sitting with Umar ibn al-Khattab, and when they had prayed dhuhr, he said, "Yarfa! Bring that letter! (a letter which he had written about the paternal aunt.) We asked about her and asked for information about her." Yarfa brought it to him. He called for a small vessel or a drinking-bowl in which there was water. He erased the letter in it. Then he said, "Had Allah approved of you as an heir, we would have confirmed you. Had Allah approved of you, we would have confirmed you."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَنْظَلَةَ الزُّرَقِيِّ، أَنَّهُ أَخْبَرَهُ عَنْ مَوْلًى، لِقُرَيْشٍ كَانَ قَدِيمًا يُقَالُ لَهُ ابْنُ مِرْسَى أَنَّهُ قَالَ كُنْتُ جَالِسًا عِنْدَ عُمَرَ بْنِ الْخَطَّابِ فَلَمَّا صَلَّى الظُّهْرَ قَالَ يَا يَرْفَا هَلُمَّ ذَلِكَ الْكِتَابَ - لِكِتَابٍ كَتَبَهُ فِي شَأْنِ الْعَمَّةِ - فَنَسْأَلَ عَنْهَا وَنَسْتَخْبِرَ فِيهَا . فَأَتَاهُ بِهِ يَرْفَا فَدَعَا بِتَوْرٍ أَوْ قَدَحٍ فِيهِ مَاءٌ فَمَحَا ذَلِكَ الْكِتَابَ فِيهِ ثُمَّ قَالَ لَوْ رَضِيَكِ اللَّهُ وَارِثَةً أَقَرَّكِ لَوْ رَضِيَكِ اللَّهُ أَقَرَّكِ .

USC-MSA web (English) reference : Book 27, Hadith 8

Arabic reference : Book 27, Hadith 1084

Yahya related to me from Malik that Muhammad ibn Abi Bakr ibn Hazm heard his father say many times, "Umar ibn al-Khattab used to say, 'It is a wonder that the paternal aunt is inherited from and does not inherit.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، أَنَّهُ سَمِعَ أَبَاهُ، كَثِيرًا يَقُولُ كَانَ عُمَرُ بْنُ الْخَطَّابِ يَقُولُ عَجَبًا لِلْعَمَّةِ تُورَثُ وَلاَ تَرِثُ .

USC-MSA web (English) reference : Book 27, Hadith 9
Arabic reference : Book 27, Hadith 1085

Malik said, "The generally agreed on way of doing things among us, in which there is no dispute, and which I saw the people of knowledge in our city doing, about paternal relations is that full brothers are more entitled to inherit than half-brothers by the father and half-brothers by the father are more entitled to inherit than the children of the full brothers. The sons of the full brothers are more entitled to inherit than the sons of the half-brothers by the father. The sons of the half-brothers by the father are more entitled to inherit than the sons of the sons of the full brothers. The sons of the sons of the half-brothers by the father's side are more entitled to inherit than the paternal uncle, the full brother of the father. The paternal uncle, the full brother of the father, is more entitled to inherit than the paternal uncle, the half-brotherof the father on the father's side. The paternal uncle, the half-brother of the father on the father's side is more entitled to inherit than the sons of the paternal uncle, the full brother of the father. The son of the paternal uncle on the father's side is more entitled to inherit than the paternal great uncle, the full brother of the paternal grandfather."

Malik said, "Everything about which you are questioned concerning the inheritance of the paternal relations is like this. Trace the genealogy of the deceased and whoever among the paternal relations contends for inheritance. If you find that one of them reaches the deceased by a father and none of them except him reaches him by a father, then make his inheritance to the one who reaches him by the nearest father, rather than the one who reaches him by what is above that. If you find that they all reach him by the same father who joins them, then see who is the nearest of kin. If there is only one half-brother by the father, give him the inheritance rather than more distant paternal relations. If there is a full brother and you find them equally related from a number of fathers or to one particular father so that they all reach the genealogy of the deceased and they are all half-brothers by the father or full brothers, then divide the inheritance equally among them. If the parent of one of them is an uncle (the full-brother of the father of the deceased) and whoever is with him is an uncle (the paternal half brother of the father of the deceased), the inheritance goes to the sons of the full brother of the father rather than the sons of the paternal half- brother of the father. That is because Allah, the Blessed, the Exalted, said, 'Those related by blood are nearer to one another in the Book of Allah, surely Allah has knowledge of everything.' "
Malik said, "The paternal grandfather, is more entitled to inherit than sons of the full-brother, and more entitled than the uncle, the full brother of the father. The son of the father's brother is more entitled to inherit from mawali retainers (freed slaves) than the grandfathers."

USC-MSA web (English) reference : Book 27, Hadith 9

Malik said, "The generally agreed on way of doing things among us in which there is no dispute and which I saw the people of knowledge in our citydoing, is that the child of the half-sibling by the mother, the paternal grandfather, the paternal uncle who is the maternal half- brother of the father, the maternal uncle, the great-grandmother who is the mother of the mother's father, the daughter of the full- brother, the paternal aunt, and the maternal aunt do not inherit anything by their kinship."

Malik said, "The woman who is the furthest relation of the deceased of those who were named in this book, does not inherit anything by her kinship, and women do not inherit anything apart from those that are named in the Qur'an. Allah, the Blessed, the Exalted, mentioned in His Book the inheritance ofthe mother from her children, the inheritance of the daughters from their father, the inheritance of the wife from her husband, the inheritance of the full sisters, the inheritance of the half-sisters by the father and the inheritance of the half-sisters by the mother. The grandmother is made an heir by the example of the Prophet, may Allah bless him and grant him peace, made about her. A woman inherits from a slave she frees herself because Allah, the Blessed, the Exalted, said in His Book, 'They are your brothers in the deen and your mawali.' "

USC-MSA web (English) reference : Book 27, Hadith 9

Yahya related to me from Malik from Ibn Shihab from Ali ibn Husayn ibn Ali from Umar ibn Uthman ibn Affan from Usama ibn Zayd that the Messenger of Allah, may Allah bless him and grant him peace, said, "A muslim does not inherit from a kafir."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَلِيِّ بْنِ حُسَيْنِ بْنِ عَلِيٍّ، عَنْ عُمَرَ بْنِ عُثْمَانَ بْنِ عَفَّانَ، عَنْ أُسَامَةَ بْنِ زَيْدٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَرِثُ الْمُسْلِمُ الْكَافِرَ " .

USC-MSA web (English) reference : Book 27, Hadith 10
Arabic reference : Book 27, Hadith 1086

Yahya related to me from Malik from Ibn Shihab that Ali ibn Husayn ibn Ali ibn Abi Talib told him that Aqil and Talib inherited from Abu Talib, and Ali did not inheritfrom him. Ali said, "Because of that, we have given up our portion of ash Shab." (A house belonging to Banu Hashim).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَلِيِّ بْنِ حُسَيْنِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّهُ أَخْبَرَهُ إِنَّمَا، وَرِثَ أَبَا طَالِبٍ عَقِيلٌ وَطَالِبٌ وَلَمْ يَرِثْهُ عَلِيٌّ - قَالَ - فَلِذَلِكَ تَرَكْنَا نَصِيبَنَا مِنَ الشِّعْبِ .

USC-MSA web (English) reference : Book 27, Hadith 11
Arabic reference : Book 27, Hadith 1087

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Muhammad ibn al-Ashath told him that he had a christian or jewish paternal aunt who died. Muhammad ibn al-Ashath mentioned that to Umar ibn al-Khattab and said to him, "Who inherits from her?" Umar ibn al-Khattab said to him, "The people of her deen inherit from her." Then he went to Uthman ibn Affan, and asked him about that. Uthman said to him, "Do you think that I have forgotten what Umar ibn al-Khattab said to you? The people.of her deen inherit from her."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ مُحَمَّدَ بْنَ الأَشْعَثِ، أَخْبَرَهُ أَنَّ عَمَّةً لَهُ يَهُودِيَّةً أَوْ نَصْرَانِيَّةً تُوُفِّيَتْ وَأَنَّ مُحَمَّدَ بْنَ الأَشْعَثِ ذَكَرَ ذَلِكَ لِعُمَرَ بْنِ الْخَطَّابِ وَقَالَ لَهُ مَنْ يَرِثُهَا فَقَالَ لَهُ عُمَرُ بْنُ الْخَطَّابِ يَرِثُهَا أَهْلُ دِينِهَا . ثُمَّ أَتَى عُثْمَانَ بْنَ عَفَّانَ فَسَأَلَهُ عَنْ ذَلِكَ فَقَالَ لَهُ عُثْمَانُ أَتَرَانِي نَسِيتُ مَا قَالَ لَكَ عُمَرُ بْنُ الْخَطَّابِ يَرِثُهَا أَهْلُ دِينِهَا .

USC-MSA web (English) reference : Book 27, Hadith 12
Arabic reference : Book 27, Hadith 1088

Yahya related to me from Malik from Yahya ibn Said from Ismail ibn Abi Hakim that Umar ibn Abd al-Aziz freed a christian who then died. Ismail said, "Umar ibn Abd al-Aziz ordered me to put his property in the bayt al-mal."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَكِيمٍ، أَنَّ نَصْرَانِيًّا، أَعْتَقَهُ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ هَلَكَ - قَالَ إِسْمَاعِيلُ - فَأَمَرَنِي عُمَرُ بْنُ عَبْدِ الْعَزِيزِ أَنْ أَجْعَلَ مَالَهُ فِي بَيْتِ الْمَالِ .

USC-MSA web (English) reference : Book 27, Hadith 13
Arabic reference : Book 27, Hadith 1089

Yahya related to me from Malik from a reliable source of his who had heard Said ibn al-Musayyab say, "Umar ibn al-Khattab refused to let anyone inherit from the non-arabs except for one who was born among the arabs."

Malik said, "If a pregnant woman comes from the land of the enemy and gives birth in arab land so that he is her (an arab) child, he inherits from her if she dies, and she inherits from him if he dies, by the Book of Allah."
Malik said, "The generally agreed on way of doing things among us and the sunna in which there is no dispute, and what I saw the people of knowledge in our city doing, is that a Muslim does not inherit from a kafir by kinship, clientage (wala'), or maternal relationship, nor does he (the Muslim) overshadow any (of the kafirs) from his inheritance.
Malik said, "Similarly, someone who forgoes his inheritance when he is the chief heir does not overshadow anyone from his inheritance."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الثِّقَةِ، عِنْدَهُ أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ أَبَى عُمَرُ بْنُ الْخَطَّابِ أَنْ يُوَرِّثَ، أَحَدًا مِنَ الأَعَاجِمِ إِلاَّ أَحَدًا وُلِدَ فِي الْعَرَبِ . قَالَ مَالِكٌ وَإِنْ جَاءَتِ امْرَأَةٌ حَامِلٌ مِنْ أَرْضِ الْعَدُوِّ فَوَضَعَتْهُ فِي أَرْضِ الْعَرَبِ فَهُوَ وَلَدُهَا يَرِثُهَا إِنْ مَاتَتْ وَتَرِثُهُ إِنْ مَاتَ مِيرَاثَهَا فِي كِتَابِ اللَّهِ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا وَالسُّنَّةُ الَّتِي لاَ اخْتِلاَفَ فِيهَا وَالَّذِي أَدْرَكْتُ عَلَيْهِ أَهْلَ الْعِلْمِ بِبَلَدِنَا أَنَّهُ لاَ يَرِثُ الْمُسْلِمُ الْكَافِرَ بِقَرَابَةٍ وَلاَ وَلاَءٍ وَلاَ رَحِمٍ وَلاَ يَحْجُبُ أَحَدًا عَنْ مِيرَاثِهِ . قَالَ مَالِكٌ وَكَذَلِكَ كُلُّ مَنْ لاَ يَرِثُ إِذَا لَمْ يَكُنْ دُونَهُ وَارِثٌ فَإِنَّهُ لاَ يَحْجُبُ أَحَدًا عَنْ مِيرَاثِهِ .

USC-MSA web (English) reference : Book 27, Hadith 14
Arabic reference : Book 27, Hadith 1090

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman from more than one of the people of knowledge of that time, that those who were killed on the Day of the Camel, the Day of Siffin, the Day of al-Harra, and the Day of Qudayd did not inherit from each other. None of them inherited anything from his companion unless it was known that he had been killed before his companion.

Malik said, "That is the way of doing things about which there is no dispute, and which none of the people of knowledge in our city doubt. The procedure with two mutual heirs who are drowned, or killed in another way, when it is not known which of them died first is the same - neither of them inherits anything from his companion. Their inheritance goes to whoever remains of their heirs. They are inherited from by the living."
Malik said, "No one should inherit from anyone else when there is doubt, and one should only inherit from the other when there is certainty of knowledge and witnesses. That is because a man and his mawla whom his father has freed might die at the same time. The sons of the free man could say, 'Our father inherited from the mawla.' They should not inherit from the mawla without knowledge or testimony that he died first. The living people most entitled to his wala' inherit from him."
Malik said, "Another example is two full brothers who die. One of them has children and the other does not. They have a half-brother by their father. It is not known which of them died first, so the inheritance of the childless one goes to his half-brother by the father. The children of the full-brother get nothing."
Malik said, "Another example is when a paternal aunt and the son of her brother die, or else the daughter of the brother and her paternal uncle. It is not known which of them died first. The paternal uncle does not inherit

anything from the daughter of his brother, and the son of the brother does not inherit anything from his paternal aunt."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ غَيْرِ، وَاحِدٍ، مِنْ عُلَمَائِهِمْ . أَنَّهُ لَمْ يَتَوَارَثْ مَنْ قُتِلَ يَوْمَ الْجَمَلِ وَيَوْمَ صِفِّينَ وَيَوْمَ الْحَرَّةِ ثُمَّ كَانَ يَوْمَ قُدَيْدٍ فَلَمْ يُوَرَّثْ أَحَدٌ مِنْهُمْ مِنْ صَاحِبِهِ شَيْئًا إِلاَّ مَنْ عُلِمَ أَنَّهُ قُتِلَ قَبْلَ صَاحِبِهِ . قَالَ مَالِكٌ وَذَلِكَ الأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ وَلاَ شَكَّ عِنْدَ أَحَدٍ مِنْ أَهْلِ الْعِلْمِ بِبَلَدِنَا وَكَذَلِكَ الْعَمَلُ فِي كُلِّ مُتَوَارِثَيْنِ هَلَكَا بِغَرَقٍ أَوْ قَتْلٍ أَوْ غَيْرِ ذَلِكَ مِنَ الْمَوْتِ إِذَا لَمْ يُعْلَمْ أَيُّهُمَا مَاتَ قَبْلَ صَاحِبِهِ لَمْ يَرِثْ أَحَدٌ مِنْهُمَا مِنْ صَاحِبِهِ شَيْئًا وَكَانَ مِيرَاثُهُمَا لِمَنْ بَقِيَ مِنْ وَرَثَتِهِمَا يَرِثُ كُلَّ وَاحِدٍ مِنْهُمَا وَرَثَتُهُ مِنَ الأَحْيَاءِ . وَقَالَ مَالِكٌ لاَ يَنْبَغِي أَنْ يَرِثَ أَحَدٌ أَحَدًا بِالشَّكِّ وَلاَ يَرِثُ أَحَدٌ أَحَدًا إِلاَّ بِالْيَقِينِ مِنَ الْعِلْمِ وَالشُّهَدَاءِ وَذَلِكَ أَنَّ الرَّجُلَ يَهْلِكُ هُوَ وَمَوْلاَهُ الَّذِي أَعْتَقَهُ أَبُوهُ فَيَقُولُ بَنُو الرَّجُلِ الْعَرَبِيِّ قَدْ وَرِثَهُ أَبُونَا فَلَيْسَ ذَلِكَ لَهُمْ أَنْ يَرِثُوهُ بِغَيْرِ عِلْمٍ وَلاَ شَهَادَةٍ إِنَّهُ مَاتَ قَبْلَهُ وَإِنَّمَا يَرِثُهُ أَوْلَى النَّاسِ بِهِ مِنَ الأَحْيَاءِ . قَالَ مَالِكٌ وَمِنْ ذَلِكَ أَيْضًا الأَخَوَانِ لِلأَبِ وَالأُمِّ يَمُوتَانِ وَلأَحَدِهِمَا وَلَدٌ وَالآخَرُ لاَ وَلَدَ لَهُ وَلَهُمَا أَخٌ لأَبِيهِمَا فَلاَ يُعْلَمُ أَيُّهُمَا مَاتَ قَبْلَ صَاحِبِهِ فَمِيرَاثُ الَّذِي لاَ وَلَدَ لَهُ لأَخِيهِ لأَبِيهِ وَلَيْسَ لِبَنِي أَخِيهِ لأَبِيهِ وَأُمِّهِ شَىْءٌ . قَالَ مَالِكٌ وَمِنْ ذَلِكَ أَيْضًا أَنْ تَهْلَكَ الْعَمَّةُ وَابْنُ أَخِيهَا أَوِ ابْنَةُ الأَخِ وَعَمُّهَا فَلاَ يُعْلَمُ أَيُّهُمَا مَاتَ قَبْلُ فَإِنْ لَمْ يُعْلَمْ أَيُّهُمَا مَاتَ قَبْلُ لَمْ يَرِثِ الْعَمُّ مِنِ ابْنَةِ أَخِيهِ شَيْئًا وَلاَ يَرِثُ ابْنُ الأَخِ مِنْ عَمَّتِهِ شَيْئًا .

USC-MSA web (English) reference : Book 27, Hadith 15
Arabic reference : Book 27, Hadith 1091

Yahya related to me from Malik that he had heard that Urwa ibn az-Zubayr said about the child of lian and the child of fornication, that if they died, the mother inherited her right from them according to the Book of Allah, the Mighty, the Majestic! The siblings by the mother had their rights. The rest was inherited by the former masters of the mother if she was a freed slave. If she was a free woman by origin, she inherited her due and the siblings by the mother inherited their due, and the rest went to the Muslims.

Malik said, "I heard the same as that from Sulayman ibn Yasar."
Malik said, "That is what I saw the people of knowledge in our city doing."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُرْوَةَ بْنَ الزُّبَيْرِ، كَانَ يَقُولُ فِي وَلَدِ الْمُلاَعَنَةِ وَوَلَدِ الزِّنَا إِنَّهُ إِذَا مَاتَ وَرِثَتْهُ أُمُّهُ حَقَّهَا فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ وَإِخْوَتُهُ لأُمِّهِ حُقُوقَهُمْ وَيَرِثُ الْبَقِيَّةَ مَوَالِي أُمِّهِ إِنْ كَانَتْ مَوْلاَةً وَإِنْ كَانَتْ عَرَبِيَّةً وَرِثَتْ حَقَّهَا وَوَرِثَ إِخْوَتُهُ لأُمِّهِ حُقُوقَهُمْ وَكَانَ مَا بَقِيَ لِلْمُسْلِمِينَ .

قَالَ مَالِكٌ وَبَلَغَنِي عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، مِثْلُ ذَلِكَ . قَالَ مَالِكٌ وَعَلَى ذَلِكَ أَدْرَكْتُ أَهْلَ الْعِلْمِ بِبَلَدِنَا .

USC-MSA web (English) reference : Book 27, Hadith 16
Arabic reference : Book 27, Hadith 1092

28 - Marriage كتاب النكاح

Yahya related to me from Malik from Muhammad ibn Yahya ibn Habban from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not ask for a woman in marriage when another muslim has already done so."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَخْطُبُ أَحَدُكُمْ عَلَى خِطْبَةِ أَخِيهِ " .

USC-MSA web (English) reference : Book 28, Hadith 1
Arabic reference : Book 28, Hadith 1094

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not ask for a woman in marriage when another muslim has already done so."

Malik said, "The explanation of the statement of the Messenger of Allah, may Allah bless him and grant him peace, according to what we think - and Allah knows best - is that 'Do not ask for a woman in marriage when another muslim has already done so' means that when a man has asked for a woman in marriage, and she has inclined to him and they have agreed on a bride-price, which she has suggested and with which they are mutually satisfied, it is forbidden for another man to ask for that woman in marriage. It does not mean that when a man has asked for a woman in marriage, and his suit does not agree with her and she does not incline to him that no one else can ask for her in marriage. That is a door to misery for people."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَخْطُبُ أَحَدُكُمْ عَلَى خِطْبَةِ أَخِيهِ " .

USC-MSA web (English) reference : Book 28, Hadith 2
Arabic reference : Book 28, Hadith 1095

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that his father said about the word of Allah, the Blessed, the Exalted, "There is no fault in you about the proposal you offer to women, or hide in yourselves. Allah knows that you will be mindful of them; but do not make troth with them secretly without honourable words," (Sura 2 ayat 235) that it referred to a man saying to a woman while she was still in her idda after the death of her husband, "You are dear to me, and I desire you, and Allah brings provision and blessing to you," and words such as these.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ فِي قَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى {وَلاَ جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ أَوْ أَكْنَنْتُمْ فِي أَنْفُسِكُمْ عَلِمَ اللَّهُ أَنَّكُمْ سَتَذْكُرُونَهُنَّ وَلَكِنْ لاَ تُوَاعِدُوهُنَّ سِرًّا إِلاَّ أَنْ تَقُولُوا قَوْلاً مَعْرُوفًا} أَنْ يَقُولَ الرَّجُلُ لِلْمَرْأَةِ وَهِيَ فِي عِدَّتِهَا مِنْ وَفَاةِ زَوْجِهَا إِنَّكِ عَلَىَّ لَكَرِيمَةٌ وَإِنِّي فِيكِ لَرَاغِبٌ وَإِنَّ اللَّهَ لَسَائِقٌ إِلَيْكِ خَيْرًا وَرِزْقًا وَنَحْوَ هَذَا مِنَ الْقَوْلِ .

USC-MSA web (English) reference : Book 28, Hadith 3
Arabic reference : Book 28, Hadith 1096

Malik related to me from Abdullah ibn al-Fadl from Nafi ibn Jubayr ibn Mutim from Abdullah ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, said, "A woman who has been previously married is

more entitled to her person than her guardian, and a virgin must be asked for her consent for herself, and her consent is her silence "

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ، عَنْ نَافِعِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الأَيِّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا وَالْبِكْرُ تُسْتَأْذَنُ فِي نَفْسِهَا وَإِذْنُهَا صُمَاتُهَا " .

USC-MSA web (English) reference : Book 28, Hadith 4
Arabic reference : Book 28, Hadith 1097

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab had said that Umar ibn al-Khattab said, "A woman is only married with the consent of her guardian, someone of her family with sound judgement or the Sultan.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ قَالَ عُمَرُ بْنُ الْخَطَّابِ لاَ تُنْكَحُ الْمَرْأَةُ إِلاَّ بِإِذْنِ وَلِيِّهَا أَوْ ذِي الرَّأْيِ مِنْ أَهْلِهَا أَوِ السُّلْطَانِ .

USC-MSA web (English) reference : Book 28, Hadith 5
Arabic reference : Book 28, Hadith 1098

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad and Salim ibn Abdullah were marrying off their daughters and they did not consult them.

Malik said, "That is what is done among us about the marriage of virgins."
Malik said, "A virgin has no right to her property until she enters her house and her state (competence, maturity etc.) is known for sure."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، وَسَالِمَ بْنَ عَبْدِ اللَّهِ، كَانَا يُنْكِحَانِ بَنَاتِهِمَا الأَبْكَارَ وَلاَ يَسْتَأْمِرَانِهِنَّ . قَالَ مَالِكٌ وَذَلِكَ الأَمْرُ عِنْدَنَا فِي نِكَاحِ الأَبْكَارِ . قَالَ مَالِكٌ وَلَيْسَ لِلْبِكْرِ جَوَازٌ فِي مَالِهَا حَتَّى تَدْخُلَ بَيْتَهَا وَيُعْرَفَ مِنْ حَالِهَا .

USC-MSA web (English) reference : Book 28, Hadith 6
Arabic reference : Book 28, Hadith 1099

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad and Salim ibn Abdullah and Sulayman ibn Yasar said about the virgin given by her father in marriage without her permission, "That is binding on her."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، وَسَالِمَ بْنَ عَبْدِ اللَّهِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، كَانُوا يَقُولُونَ فِي الْبِكْرِ يُزَوِّجُهَا أَبُوهَا بِغَيْرِ إِذْنِهَا إِنَّ ذَلِكَ لاَزِمٌ لَهَا .

USC-MSA web (English) reference : Book 28, Hadith 7
Arabic reference : Book 28, Hadith 1100

Yahya related to me from Malik from Malik from Abu Hazim ibn Dinar from Sahl ibn Sad as-Saidi that a woman came to the Messenger of Allah, may Allah bless him and grant him peace, and said, "Messenger of Allah! I have given myself to you." She stood for a long time, and then a man got up and said, "Messenger of Allah, marry her to me if you have no need of her." The Messenger of Allah, may Allah bless him and grant him peace, said, "Do you have anything to give her as a bride-price?" He said, "I possess only this lower garment of mine." The Messenger of

Allah, may Allah bless him and grant him peace, said, "If you give it to her you will not have a garment to wear so look for something else." He said, "I have nothing else." He said, "Look for something else, even if it is only an iron ring." He looked, and found that he had nothing. The Messenger of Allah, may Allah bless him and grant him peace, said, "Do you know any of the Qur'an?" He said, "Yes. I know such-and-such a sura and such-and-such a sura," which he named. The Messengerof Allah, may Allah bless him and grant him peace, said to him, "I have married her to you for what you know of the Qur'an."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي حَازِمِ بْنِ دِينَارٍ، عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ، . أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم جَاءَتْهُ امْرَأَةٌ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنِّي قَدْ وَهَبْتُ نَفْسِي لَكَ فَقَامَتْ قِيَامًا طَوِيلاً فَقَامَ رَجُلٌ فَقَالَ يَا رَسُولَ اللَّهِ زَوِّجْنِيهَا إِنْ لَمْ تَكُنْ لَكَ بِهَا حَاجَةٌ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " هَلْ عِنْدَكَ مِنْ شَىْءٍ تُصْدِقُهَا إِيَّاهُ " . فَقَالَ مَا عِنْدِي إِلاَّ إِزَارِي هَذَا . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنْ أَعْطَيْتَهَا إِيَّاهُ جَلَسْتَ لاَ إِزَارَ لَكَ فَالْتَمِسْ شَيْئًا " . فَقَالَ مَا أَجِدُ شَيْئًا . قَالَ " الْتَمِسْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ " . فَالْتَمَسَ فَلَمْ يَجِدْ شَيْئًا . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " هَلْ مَعَكَ مِنَ الْقُرْآنِ شَىْءٌ " . فَقَالَ نَعَمْ مَعِي سُورَةُ كَذَا وَسُورَةُ كَذَا . لِسُوَرٍ سَمَّاهَا . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " قَدْ أَنْكَحْتُكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ " .

USC-MSA web (English) reference : Book 28, Hadith 8
Arabic reference : Book 28, Hadith 1101

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab had said that Umar ibn al-Khattab said, "If a man marries a woman who is insane, or has leprosy or white leprosy, without being told of her condition by her guardian, and he has sexual relations with her, she keeps her bride-price in its entirety. Her husband has damages against her guardian."

Malik said, "The husband has damages against her guardian when the guardian is her father, brother, or one who is deemed to have knowledge of her condition. If the guardian who gives her in marriage is a nephew, a mawla or a member of her tribe who is not deemed to have knowledge of her condition, there are no damages against him, and the woman returns what she has taken of her bride-price, and the husband leaves her whatever amount is thought to be fair."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ قَالَ عُمَرُ بْنُ الْخَطَّابِ أَيُّمَا رَجُلٍ تَزَوَّجَ امْرَأَةً وَبِهَا جُنُونٌ أَوْ جُذَامٌ أَوْ بَرَصٌ فَمَسَّهَا فَلَهَا صَدَاقُهَا كَامِلاً وَذَلِكَ لِزَوْجِهَا غُرْمٌ عَلَى وَلِيِّهَا . قَالَ مَالِكٌ وَإِنَّمَا يَكُونُ ذَلِكَ غُرْمًا عَلَى وَلِيِّهَا لِزَوْجِهَا إِذَا كَانَ وَلِيُّهَا الَّذِي أَنْكَحَهَا هُوَ أَبُوهَا أَوْ أَخُوهَا أَوْ مَنْ يُرَى أَنَّهُ يَعْلَمُ ذَلِكَ مِنْهَا فَأَمَّا إِذَا كَانَ وَلِيُّهَا الَّذِي أَنْكَحَهَا ابْنَ عَمٍّ أَوْ مَوْلًى أَوْ مِنَ الْعَشِيرَةِ مِمَّنْ يُرَى أَنَّهُ لاَ يَعْلَمُ ذَلِكَ مِنْهَا فَلَيْسَ عَلَيْهِ غُرْمٌ وَتَرُدُّ تِلْكَ الْمَرْأَةُ مَا أَخَذَتْهُ مِنْ صَدَاقِهَا وَيَتْرُكُ لَهَا قَدْرَ مَا تُسْتَحَلُّ بِهِ .

USC-MSA web (English) reference : Book 28, Hadith 9
Arabic reference : Book 28, Hadith 1102

Yahya related to me from Malik from Nafi that the daughter of Ubaydullah ibn Umar whose mother was the daughter of Zayd ibn al- Khattab, married the son of Abdullah ibn Umar. He died and had not yet consummated the marriage or specified her bride-price. Her mother wanted the bride-price, and Abdullah ibn Umar said, "She is not entitled to a bride-price. Had she been entitled to a bride-price, we would not have kept it and we would not do her an injustice. "The mother refused to accept that. Zayd ibn Thabit was brought to adjudicate between them and he decided that she had no bride-price, but that she did inherit.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ ابْنَةَ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، - وَأُمُّهَا بِنْتُ زَيْدِ بْنِ الْخَطَّابِ - كَانَتْ تَحْتَ ابْنٍ لِعَبْدِ اللَّهِ بْنِ عُمَرَ فَمَاتَ وَلَمْ يَدْخُلْ بِهَا وَلَمْ يُسَمِّ لَهَا صَدَاقًا فَابْتَغَتْ أُمُّهَا صَدَاقَهَا فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ لَيْسَ لَهَا صَدَاقٌ وَلَوْ كَانَ لَهَا صَدَاقٌ لَمْ نُمْسِكْهُ وَلَمْ نَظْلِمْهَا . فَأَبَتْ أُمُّهَا أَنْ تَقْبَلَ ذَلِكَ فَجَعَلُوا بَيْنَهُمْ زَيْدَ بْنَ ثَابِتٍ فَقَضَى أَنْ لاَ صَدَاقَ لَهَا وَلَهَا الْمِيرَاثُ .

USC-MSA web (English) reference : Book 28, Hadith 10
Arabic reference : Book 28, Hadith 1103

Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz during his khalifate, wrote to one of his governors, "Whatever a father, or guardian, who gives someone in marriage, makes a condition in the way of unreturnable gift or of favour, belongs to the woman if she wants it."

Malik spoke about a woman whose father gave her in marriage and made an unreturnable gift a condition of the bride-price which was to be given. He said, "Whatever is given as a condition by which marriage occurs belongs to the woman if she wants it. If the husband parts from her before the marriage is consummated, the husband has half of the unreturnable gift by which the marriage occurred."
Malik said about a man who married off his young son and the son had no wealth at all, that the bride- price was obliged of the father if the young man had no property on the day of marriage. If the young man did have property the bride- price was taken from his property unless the father stipulated that he would pay the bride-price. The marriage was affirmed for the son if he was a minor only if he was under the guardianship of his father.
Malik said that if a man divorced his wife before he had consummated the marriage and she was a virgin, her father returned half of the bride-price to him. That half was permitted to the husband from the father to compensate him for his expenses.

Malik said that that was because Allah, the Blessed, the Exalted, said in His Book, "Unless they (women with whom he had not consummated marriage) make remission or he makes remission to him in whose hand is the knot of marriage." (Sura 2 ayat 237). (He being the father of a virgin daughter or the master of a female slave.)
Malik said, "That is what I have heard about the matter, and that is how things are done among us."
Malik said that a jewish or christian woman who was married to a jew or christian and then became muslim before the marriage had been consummated, did not keep anything from the bride-price.
Malik said, "I do not think that women should be married for less than a quarter of a dinar. That is the lowest amount for which cutting off the hand is obliged ."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ فِي خِلاَفَتِهِ إِلَى بَعْضِ عُمَّالِهِ أَنَّ كُلَّ مَا اشْتَرَطَ الْمُنْكِحُ - مَنْ كَانَ أَبًا أَوْ غَيْرَهُ - مِنْ حِبَاءٍ أَوْ كَرَامَةٍ فَهُوَ لِلْمَرْأَةِ إِنِ ابْتَغَتْهُ . قَالَ مَالِكٌ فِي الْمَرْأَةِ يُنْكِحُهَا أَبُوهَا وَيَشْتَرِطُ فِي صَدَاقِهَا الْحِبَاءَ يُحْبَى بِهِ إِنَّ مَا كَانَ مِنْ شَرْطٍ يَقَعُ بِهِ النِّكَاحُ فَهُوَ لاِبْنَتِهِ إِنِ ابْتَغَتْهُ وَإِنْ فَارَقَهَا زَوْجُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا فَلِزَوْجِهَا شَطْرُ الْحِبَاءِ الَّذِي وَقَعَ بِهِ النِّكَاحُ . قَالَ مَالِكٌ فِي الرَّجُلِ يُزَوِّجُ ابْنَهُ صَغِيرًا لاَ مَالَ لَهُ إِنَّ الصَّدَاقَ عَلَى أَبِيهِ إِذَا كَانَ الْغُلاَمُ يَوْمَ تَزَوَّجَ لاَ مَالَ لَهُ وَإِنْ كَانَ لِلْغُلاَمِ مَالٌ فَالصَّدَاقُ فِي مَالِ الْغُلاَمِ إِلاَّ أَنْ يُسَمِّيَ الأَبُ أَنَّ الصَّدَاقَ عَلَيْهِ وَذَلِكَ النِّكَاحُ ثَابِتٌ عَلَى الاِبْنِ إِذَا كَانَ صَغِيرًا وَكَانَ فِي وِلاَيَةِ أَبِيهِ . قَالَ مَالِكٌ فِي طَلاَقِ الرَّجُلِ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا وَهِيَ بِكْرٌ فَيَعْفُو أَبُوهَا عَنْ نِصْفِ الصَّدَاقِ إِنَّ ذَلِكَ جَائِزٌ لِزَوْجِهَا مِنْ أَبِيهَا فِيمَا وَضَعَ عَنْهُ . قَالَ مَالِكٌ وَذَلِكَ أَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ فِي كِتَابِهِ {إِلاَّ أَنْ يَعْفُونَ} فَهُنَّ النِّسَاءُ اللاَّتِي قَدْ دُخِلَ بِهِنَّ {أَوْ يَعْفُوَ الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ} فَهُوَ الأَبُ فِي ابْنَتِهِ الْبِكْرِ وَالسَّيِّدُ فِي أَمَتِهِ . قَالَ مَالِكٌ وَهَذَا الَّذِي سَمِعْتُ فِي ذَلِكَ وَالَّذِي عَلَيْهِ

الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ فِي الْيَهُودِيَّةِ أَوِ النَّصْرَانِيَّةِ تَحْتَ الْيَهُودِيِّ أَوِ النَّصْرَانِيِّ فَتُسْلِمُ قَبْلَ أَنْ يَدْخُلَ بِهَا أَنَّهُ لاَ صَدَاقَ لَهَا . قَالَ مَالِكٌ لاَ أَرَى أَنْ تُنْكَحَ الْمَرْأَةُ بِأَقَلَّ مِنْ رُبْعِ دِينَارٍ وَذَلِكَ أَدْنَى مَا يَجِبُ فِيهِ الْقَطْعُ .

USC-MSA web (English) reference : Book 28, Hadith 11
Arabic reference : Book 28, Hadith 1104

Yahya related to me from Malik from Yahya ibn Said from Said ibn al-Musayyab that 'Umar ibn al-Khattab decided about the woman who was married by a man and the marriage had been consummated, that the bride-price was obligatory.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَضَى فِي الْمَرْأَةِ إِذَا تَزَوَّجَهَا الرَّجُلُ أَنَّهُ إِذَا أُرْخِيَتِ السُّتُورُ فَقَدْ وَجَبَ الصَّدَاقُ .

USC-MSA web (English) reference : Book 28, Hadith 12
Arabic reference : Book 28, Hadith 1105

Yahya related to me from Malik from Ibn Shihab that Zayd ibn Thabit said, "When a man takes his wife to his house and co-habits with her then the bride-price is obliged."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ زَيْدَ بْنَ ثَابِتٍ، كَانَ يَقُولُ إِذَا دَخَلَ الرَّجُلُ بِامْرَأَتِهِ فَأُرْخِيَتْ عَلَيْهِمَا السُّتُورُ فَقَدْ وَجَبَ الصَّدَاقُ .

USC-MSA web (English) reference : Book 28, Hadith 13
Arabic reference : Book 28, Hadith 1106

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab said, "When a man comes to his wife in her room, he is believed. When she comes to him in his room, she is believed."

Malik commented, "I think that this refers to sexual intercourse. When he comes in to her in her room and she says, 'He has had intercourse with me' and he says, 'I have not touched her', he is believed. When she comes in to him in his room and he says, 'I have not had intercourse with her' and she says, 'He had intercourse with me', she is believed."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، كَانَ يَقُولُ إِذَا دَخَلَ الرَّجُلُ بِالْمَرْأَةِ فِي بَيْتِهَا صُدِّقَ الرَّجُلُ عَلَيْهَا وَإِذَا دَخَلَتْ عَلَيْهِ فِي بَيْتِهِ صُدِّقَتْ عَلَيْهِ . قَالَ مَالِكٌ أَرَى ذَلِكَ فِي الْمَسِيسِ إِذَا دَخَلَ عَلَيْهَا فِي بَيْتِهَا فَقَالَتْ قَدْ مَسَّنِي وَقَالَ لَمْ أَمَسَّهَا صُدِّقَ عَلَيْهَا فَإِنْ دَخَلَتْ عَلَيْهِ فِي بَيْتِهِ فَقَالَ لَمْ أَمَسَّهَا وَقَالَتْ قَدْ مَسَّنِي صُدِّقَتْ عَلَيْهِ .

USC-MSA web (English) reference : Book 28, Hadith 13
Arabic reference : Book 28, Hadith 1107

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from Abd al-Malik ibn Abi Bakr ibn Abd ar- Rahman ibn al-Harith ibn Hisham al-Makhzumi from his father that when the Messenger of Allah, may Allah bless him and grant him peace, married Umm Salama and then spent the night with her, he said to her, "You are not being humbled in your right. If you wish, I will stay with you for seven nights as I stayed seven nights with the others. If you wish, I will stay with you for three nights, and then visit the others in turn." She said, "Stay three nights."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ الْمَخْزُومِيِّ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم حِينَ تَزَوَّجَ أُمَّ سَلَمَةَ وَأَصْبَحَتْ عِنْدَهُ قَالَ لَهَا " لَيْسَ بِكِ عَلَى أَهْلِكِ هَوَانٌ إِنْ شِئْتِ سَبَّعْتُ عِنْدَكِ وَسَبَّعْتُ عِنْدَهُنَّ وَإِنْ شِئْتِ ثَلَّثْتُ عِنْدَكِ وَدُرْتُ " . فَقَالَتْ ثَلِّثْ .

USC-MSA web (English) reference : Book 28, Hadith 14
Arabic reference : Book 28, Hadith 1108

Yahya related to me from Malik from Humayd at-Tawil that Anas ibn Malik said, "A virgin has seven nights, and a woman who has been previously married has three nights."

Malik affirmed, "That is what is done among us."
Malik added, "If the man has another wife, he divides his time equally between them after the wedding nights. He does not count the wedding nights against the one he has just married."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ كَانَ يَقُولُ لِلْبِكْرِ سَبْعٌ وَلِلثَّيِّبِ ثَلاَثٌ .

USC-MSA web (English) reference : Book 28, Hadith 15
Arabic reference : Book 28, Hadith 1109

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab was asked about a woman who made a stipulation on her husband not to take her away from her town. Said ibn al-Musayyab said, "He takes her away if he wishes."

Malik said, "The custom among us is that when a man marries a woman, and he makes a condition in the marriage contract that he will not marry after her or take a concubine, it means nothing unless there is an oath of divorce or setting-free attached to it. Then it is obliged and required of him."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، سُئِلَ عَنِ الْمَرْأَةِ، تَشْتَرِطُ عَلَى زَوْجِهَا أَنَّهُ لاَ يَخْرُجُ بِهَا مِنْ بَلَدِهَا فَقَالَ سَعِيدُ بْنُ الْمُسَيَّبِ يَخْرُجُ بِهَا إِنْ شَاءَ . قَالَ مَالِكٌ فَالأَمْرُ عِنْدَنَا ذَلِكَ أَنَّهُ إِذَا شَرَطَ الرَّجُلُ لِلْمَرْأَةِ وَإِنْ كَانَ ذَلِكَ عِنْدَ عُقْدَةِ النِّكَاحِ أَنْ لاَ أَنْكِحَ عَلَيْكِ وَلاَ أَتَسَرَّرَ إِنَّ ذَلِكَ لَيْسَ بِشَىْءٍ إِلاَّ أَنْ يَكُونَ فِي ذَلِكَ يَمِينٌ بِطَلاَقٍ أَوْ عِتَاقَةٍ فَيَجِبُ ذَلِكَ عَلَيْهِ وَيَلْزَمُهُ .

USC-MSA web (English) reference : Book 28, Hadith 16
Arabic reference : Book 28, Hadith 1110

Yahya related to me from Malik from al-Miswar ibn Rifaa al- Quradhi from az-Zubayr ibn Abd ar-Rahman ibn az-Zubayr that Rifaa ibn Simwal divorced his wife, Tamima bint Wahb, in the time of the Messenger of Allah, may Allah bless him and grant him peace, three times. Then she married Abd ar-Rahman ibn az-Zubayr and he turned from her and could not consummate the marriage and so he parted from her. Rifaa wanted to marry her again and it was mentioned to the Messenger of Allah, may Allah bless him and grant him peace, and he forbade him to marry her. He said, "She is not halal for you until she has tasted the sweetness of intercourse."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ الْمِسْوَرِ بْنِ رِفَاعَةَ الْقُرَظِيِّ، عَنِ الزُّبَيْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الزَّبِيرِ، أَنَّ رِفَاعَةَ بْنَ سِمْوَالٍ، طَلَّقَ امْرَأَتَهُ تَمِيمَةَ بِنْتَ وَهْبٍ فِي عَهْدِ رَسُولِ اللَّهِ صلى الله عليه وسلم ثَلاَثًا فَنَكَحَتْ عَبْدَ الرَّحْمَنِ بْنَ الزَّبِيرِ فَاعْتَرَضَ عَنْهَا فَلَمْ يَسْتَطِعْ أَنْ يَمَسَّهَا فَفَارَقَهَا فَأَرَادَ رِفَاعَةُ أَنْ يَنْكِحَهَا - وَهُوَ زَوْجُهَا الأَوَّلُ الَّذِي كَانَ طَلَّقَهَا - فَذَكَرَ ذَلِكَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم فَنَهَاهُ عَنْ تَزْوِيجِهَا وَقَالَ " لاَ تَحِلُّ لَكَ حَتَّى تَذُوقَ الْعُسَيْلَةَ " .

USC-MSA web (English) reference : Book 28, Hadith 17
Arabic reference : Book 28, Hadith 1111

Yahya related to me from Malik from Yahya ibn Said from al-Qasim ibn Muhammad that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said when asked whether it was permissible for a man to marry again a wife he had divorced irrevocably if she had married another man who divorced her before consummating the marriage, "Not until she has tasted the sweetness of intercourse."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا سُئِلَتْ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ الْبَتَّةَ فَتَزَوَّجَهَا بَعْدَهُ رَجُلٌ آخَرُ فَطَلَّقَهَا قَبْلَ أَنْ يَمَسَّهَا هَلْ يَصْلُحُ لِزَوْجِهَا الأَوَّلِ أَنْ يَتَزَوَّجَهَا فَقَالَتْ عَائِشَةُ لاَ حَتَّى يَذُوقَ عُسَيْلَتَهَا ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 18
Arabic reference : Book 28, Hadith 1112

Yahya related to me from Malik that he had heard that when asked whether it was permissible for a man to return to his wife if he had divorced her irrevocably and then another man had married her after him and died before consummating the marriage, al-Qasim ibn Muhammad said, "It is not halal for the first husband to return to her."

Malik said, about the muhallil, that he could not remain in the marriage until he undertook a new marriage. If he had intercourse with her in that marriage, she had her dowry.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، سُئِلَ عَنْ رَجُلٍ، طَلَّقَ امْرَأَتَهُ الْبَتَّةَ ثُمَّ تَزَوَّجَهَا بَعْدَهُ رَجُلٌ آخَرُ فَمَاتَ عَنْهَا قَبْلَ أَنْ يَمَسَّهَا هَلْ يَحِلُّ لِزَوْجِهَا الأَوَّلِ أَنْ يُرَاجِعَهَا فَقَالَ الْقَاسِمُ بْنُ مُحَمَّدٍ لاَ يَحِلُّ لِزَوْجِهَا الأَوَّلِ أَنْ يُرَاجِعَهَا ‏.‏ قَالَ مَالِكٌ فِي الْمُحَلِّلِ إِنَّهُ لاَ يُقِيمُ عَلَى نِكَاحِهِ ذَلِكَ حَتَّى يَسْتَقْبِلَ نِكَاحًا جَدِيدًا فَإِنْ أَصَابَهَا فِي ذَلِكَ فَلَهَا مَهْرُهَا ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 19
Arabic reference : Book 28, Hadith 1113

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said "One cannot be married to a woman and her paternal aunt, or a woman and her maternal aunt at the same time."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ لاَ يُجْمَعُ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا وَلاَ بَيْنَ الْمَرْأَةِ وَخَالَتِهَا ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 20
Arabic reference : Book 28, Hadith 1114

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "It is forbidden to be married to a woman and her paternal or maternal aunt at the same time, and for a man to have intercourse with a female slave who is carrying another man's child."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ يُنْهَى أَنْ تُنْكَحَ الْمَرْأَةُ عَلَى عَمَّتِهَا أَوْ عَلَى خَالَتِهَا وَأَنْ يَطَأَ الرَّجُلُ وَلِيدَةً وَفِي بَطْنِهَا جَنِينٌ لِغَيْرِهِ ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 21
Arabic reference : Book 28, Hadith 1115

Yahya related to me from Malik from Yahya ibn Said that Zayd ibn Thabit asked whether it was halal for a man who married a woman and then separated from her before he had cohabited with her, to marry her mother. Zayd ibn Thabit said, "No. The mother is prohibited unconditionally. There are conditions, however about foster-mothers."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ سُئِلَ زَيْدُ بْنُ ثَابِتٍ عَنْ رَجُلٍ، تَزَوَّجَ امْرَأَةً ثُمَّ فَارَقَهَا قَبْلَ أَنْ يُصِيبَهَا هَلْ تَحِلُّ لَهُ أُمُّهَا فَقَالَ زَيْدُ بْنُ ثَابِتٍ لاَ الأُمُّ مُبْهَمَةٌ لَيْسَ فِيهَا شَرْطٌ وَإِنَّمَا الشَّرْطُ فِي الرَّبَائِبِ ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 22
Arabic reference : Book 28, Hadith 1116

Yahya related to me from Malik from more than one source that when Abdullah ibn Masud was in Kufa, he was asked for an opinion about marrying the mother after marrying the daughter when the marriage with the daughter had not been consummated. He permitted it. When Ibn Masud came to Madina, he asked about it and was told that it was not as he had said, and that this condition referred to foster-mothers. Ibn Masud returnedto Kufa,and he had just reached his dwelling when the man who had asked him for the opinion came to visit and he ordered him to separate from his wife.

Malik said that if a man married the mother of a woman who was his wife and he had sexual relations with the mother then his wife was haram for him, and he had to separate from both of them. They were both haram to him forever, if he had had sexual relations with the mother. If he had not had relations with the mcther, his wife was not haram for him, and he separated from the mother.
Malik explained further about the man who married a woman, and then married her mother and cohabited with her, "The mother will never be halal for him, and she is not halal for his father or his son, and any daughters of hers are not halal for him and so his wife is haram for him."
Malik said, "Fornication however, does not make any of that haram because Allah, the Blessed, the Exalted, mentioned 'the mothers of your wives,' as one whom marriage made haram, and he didn't mention the making haram by fornication. Every marriage in a halal manner in which a man cohabits with his wife, is a halal marriage. This is what I have heard, and this is how things are done among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ غَيْرِ، وَاحِدٍ، أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، اسْتُفْتِيَ وَهُوَ بِالْكُوفَةِ عَنْ نِكَاحِ الأُمِّ، بَعْدَ الاِبْنَةِ إِذَا لَمْ تَكُنْ الاِبْنَةُ مُسَّتْ فَأَرْخَصَ فِي ذَلِكَ ثُمَّ إِنَّ ابْنَ مَسْعُودٍ قَدِمَ الْمَدِينَةَ فَسَأَلَ عَنْ ذَلِكَ فَأُخْبِرَ أَنَّهُ لَيْسَ كَمَا قَالَ وَإِنَّمَا الشَّرْطُ فِي الرَّبَائِبِ فَرَجَعَ ابْنُ مَسْعُودٍ إِلَى الْكُوفَةِ فَلَمْ يَصِلْ إِلَى مَنْزِلِهِ حَتَّى أَتَى الرَّجُلَ الَّذِي أَفْتَاهُ بِذَلِكَ فَأَمَرَهُ أَنْ يُفَارِقَ امْرَأَتَهُ ‏.‏ قَالَ مَالِكٌ فِي الرَّجُلِ تَكُونُ تَحْتَهُ الْمَرْأَةُ ثُمَّ يَنْكِحُ أُمَّهَا فَيُصِيبُهَا إِنَّهَا تَحْرُمُ عَلَيْهِ امْرَأَتُهُ وَيُفَارِقُهُمَا جَمِيعًا وَيَحْرُمَانِ عَلَيْهِ أَبَدًا إِذَا كَانَ قَدْ أَصَابَ الأُمَّ فَإِنْ لَمْ يُصِبِ الأُمَّ لَمْ تَحْرُمْ عَلَيْهِ امْرَأَتُهُ وَفَارَقَ الأُمَّ ‏.‏ وَقَالَ مَالِكٌ فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ ثُمَّ يَنْكِحُ أُمَّهَا فَيُصِيبُهَا إِنَّهُ لاَ تَحِلُّ لَهُ أُمُّهَا أَبَدًا وَلاَ تَحِلُّ لأَبِيهِ وَلاَ لاِبْنِهِ وَلاَ تَحِلُّ لَهُ ابْنَتُهَا وَتَحْرُمُ عَلَيْهِ امْرَأَتُهُ ‏.‏ قَالَ مَالِكٌ فَأَمَّا الزِّنَا فَإِنَّهُ لاَ يُحَرِّمُ شَيْئًا مِنْ ذَلِكَ لأَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ {وَأُمَّهَاتُ نِسَائِكُمْ} فَإِنَّمَا حَرَّمَ مَا كَانَ تَزْوِيجًا وَلَمْ يَذْكُرْ تَحْرِيمَ الزِّنَا فَكُلُّ تَزْوِيجٍ كَانَ عَلَى وَجْهِ الْحَلاَلِ يُصِيبُ صَاحِبُهُ امْرَأَتَهُ فَهُوَ بِمَنْزِلَةِ التَّزْوِيجِ الْحَلاَلِ فَهَذَا الَّذِي سَمِعْتُ وَالَّذِي عَلَيْهِ أَمْرُ النَّاسِ عِنْدَنَا ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 23
Arabic reference : Book 28, Hadith 1117

Malik said that a man who had committed fornication with a woman and the hadd-punishment had been applied to him for it, could marry that woman's daughter and his son could marry the woman herself if he wished. That was because he had haram relations with her, and the relations Allah had made haram were from the relations made in a halal manner or in a manner resembling marriage. Allah, the Blessed, the Exalted, said, "Do not marry the women your fathers have married. " (Sura 4 ayat 21)

Malik said, "If a man were to marry a woman in her idda-period in a halal marriage and have relations with her, it would be haram for his son to marry the woman. That is because the father married her in a halal manner, and the hadd-punishment would not have been applied to him. Any child who was born to him would be attached to him as the father. Just as it would be haram for the son to marry a woman whom his father had married in her idda-period and had relations with, so the woman's daughter would be haram for the father if he had had sexual relations with her."

USC-MSA web (English) reference : Book 28, Hadith 23

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade shighar, which meant one man giving his daughter in marriage to another man on the condition that the other gave his daughter to him in marriage without either of them paying the bride-price.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنِ الشِّغَارِ وَالشِّغَارُ أَنْ يُزَوِّجَ الرَّجُلُ ابْنَتَهُ عَلَى أَنْ يُزَوِّجَهُ الآخَرُ ابْنَتَهُ لَيْسَ بَيْنَهُمَا صَدَاقٌ ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 24
Arabic reference : Book 28, Hadith 1118

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father from Abd ar-Rahman and Mujamma the sons of Yazid ibn Jariya al-Ansari from Khansa bint Khidam al-Ansariya that her father gave her in marriage and she had been previously married. She disapproved of that, and went to the Messenger of Allah, may Allah bless him and grant him peace, and he revoked the marriage.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَبْدِ الرَّحْمَنِ، وَمُجَمِّعٍ، ابْنَىْ يَزِيدَ بْنِ جَارِيَةَ الأَنْصَارِيِّ عَنْ خَنْسَاءَ بِنْتِ خِدَامٍ الأَنْصَارِيَّةِ، أَنَّ أَبَاهَا، زَوَّجَهَا وَهِيَ ثَيِّبٌ فَكَرِهَتْ ذَلِكَ فَأَتَتْ رَسُولَ اللَّهِ صلى الله عليه وسلم فَرَدَّ نِكَاحَهُ ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 25
Arabic reference : Book 28, Hadith 1119

Yahya related to me from Malik from Abu'z-Zubayr al-Makki that a case was brought to Umar about a marriage which had only been witnessed by one man and one woman . He said, "This is a secret marriage and I do not permit it. Had I been the first to come upon it, I would have ordered them to be stoned."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، أُتِيَ بِنِكَاحٍ لَمْ يَشْهَدْ عَلَيْهِ إِلاَّ رَجُلٌ وَامْرَأَةٌ فَقَالَ هَذَا نِكَاحُ السِّرِّ وَلاَ أُجِيزُهُ وَلَوْ كُنْتُ تَقَدَّمْتُ فِيهِ لَرَجَمْتُ ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 26
Arabic reference : Book 28, Hadith 1120

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab and from Sulayman ibn Yasar that Tulayha al-Asadiya was the wife of Rushayd ath-Thaqafi. He divorced her, and she got married in her idda-period.

Umar ibn al-Khattab beat her and her husband with a stick several times, and separated them. Then Umar ibn al-Khattab said, "If a woman marries in her idda-period, and the new husband has not consummated the marriage, then separate them, and when she has completed the idda of her first husband, the other becomes a suitor. If he has consummated the marriage then separate them. Then she must complete her idda from her first husband, and then the idda from the other one, and they are never to be reunited."

Malik added, "Said ibn al-Musayyab said that she had her dowry because he had consummated the marriage."
Malik said,"The practice with us concerning a free woman whose husband dies, is that she does an idda of four months and ten days and she does not marry if she doubts her period until she is free of any doubt or if she fears that she is pregnant."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَعَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ طُلَيْحَةَ الأَسَدِيَّةَ، كَانَتْ تَحْتَ رُشَيْدٍ الثَّقَفِيِّ فَطَلَّقَهَا فَنَكَحَتْ فِي عِدَّتِهَا فَضَرَبَهَا عُمَرُ بْنُ الْخَطَّابِ وَضَرَبَ زَوْجَهَا بِالْمِخْفَقَةِ ضَرَبَاتٍ وَفَرَّقَ بَيْنَهُمَا ثُمَّ قَالَ عُمَرُ بْنُ الْخَطَّابِ أَيُّمَا امْرَأَةٍ نَكَحَتْ فِي عِدَّتِهَا فَإِنْ كَانَ زَوْجُهَا الَّذِي تَزَوَّجَهَا لَمْ يَدْخُلْ بِهَا فُرِّقَ بَيْنَهُمَا ثُمَّ اعْتَدَّتْ بَقِيَّةَ عِدَّتِهَا مِنْ زَوْجِهَا الأَوَّلِ ثُمَّ كَانَ الآخَرُ خَاطِبًا مِنَ الْخُطَّابِ وَإِنْ كَانَ دَخَلَ بِهَا فُرِّقَ بَيْنَهُمَا ثُمَّ اعْتَدَّتْ بَقِيَّةَ عِدَّتِهَا مِنَ الأَوَّلِ ثُمَّ اعْتَدَّتْ مِنَ الآخَرِ ثُمَّ لاَ يَجْتَمِعَانِ أَبَدًا . قَالَ

USC-MSA web (English) reference : Book 28, Hadith 27
Arabic reference : Book 28, Hadith 1121

Yahya related to me from Malik that he had heard that Abdullah ibn Abbas and Abdullah ibn Umar were asked about a man who had a free woman as a wife and then wanted to marry a slave-girl. They disapproved that he should combine the two of them.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، وَعَبْدَ اللَّهِ بْنَ عُمَرَ، سُئِلاَ عَنْ رَجُلٍ، كَانَتْ تَحْتَهُ امْرَأَةٌ حُرَّةٌ فَأَرَادَ أَنْ يَنْكِحَ عَلَيْهَا أَمَةً فَكَرِهَا أَنْ يَجْمَعَ بَيْنَهُمَا .

USC-MSA web (English) reference : Book 28, Hadith 28
Arabic reference : Book 28, Hadith 1122

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "The slave girl is not married when there is a free woman who is a wife unless the free woman wishes it. If the free woman complies, she has two-thirds of the division of time."

Malik said, "A free man must not marry a slave-girl when he can afford to marry a free-woman, and he should not marry a slave-girl when he cannot afford a free woman unless he fears fornication. That is because Allah, may he be Blessed and Exalted, says in His Book, 'If you are not affluent enough to marry believing women, who are muhsanat, take slave-girls who are believing women that your right hands own.' (Sura 4 ayat 24) He says, 'That is for those of you who fear al-anat.' "
Malik said, "Al-anat is fornication."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ لاَ تُنْكَحُ الأَمَةُ عَلَى الْحُرَّةِ إِلاَّ أَنْ تَشَاءَ الْحُرَّةُ فَإِنْ طَاعَتِ الْحُرَّةُ فَلَهَا الثُّلُثَانِ مِنَ الْقَسْمِ . قَالَ مَالِكٌ وَلاَ يَنْبَغِي لِحُرٍّ أَنْ يَتَزَوَّجَ أَمَةً وَهُوَ يَجِدُ طَوْلاً لِحُرَّةٍ وَلاَ يَتَزَوَّجَ أَمَةً إِذَا لَمْ يَجِدْ

طَوْلاً لِحُرَّةٍ إِلاَّ أَنْ يَخْشَى الْعَنَتَ وَذَلِكَ أَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ فِي كِتَابِهِ {وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلاً أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِمَّا مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ} وَقَالَ {ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ} قَالَ مَالِكٌ وَالْعَنَتُ هُوَ الزِّنَا .

USC-MSA web (English) reference : Book 28, Hadith 29
Arabic reference : Book 28, Hadith 1123

Yahya related to me from Malik from Ibn Shihab from Abu Abd ar- Rahman that Zayd ibn Thabit said that if a man divorced his slave-girl three times and then bought her, she was not halal for him until she had married another husband.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ زَيْدِ بْنِ ثَابِتٍ، أَنَّهُ كَانَ يَقُولُ فِي الرَّجُلِ يُطَلِّقُ الأَمَةَ ثَلاَثًا ثُمَّ يَشْتَرِيهَا إِنَّهَا لاَ تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ .

USC-MSA web (English) reference : Book 28, Hadith 30
Arabic reference : Book 28, Hadith 1124

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab and Sulayman ibn Yasar were asked whether, when a man married a slave of his to a slave-girl and the slave divorced her irrevocably, and then her master gave her to the slave, she was then halal for the slave by the possession of the right hand. They said, "No. She is not halal until she has married another husband."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، سُئِلاَ عَنْ رَجُلٍ، زَوَّجَ عَبْدًا لَهُ جَارِيَةً فَطَلَّقَهَا الْعَبْدُ الْبَتَّةَ ثُمَّ وَهَبَهَا سَيِّدُهَا لَهُ هَلْ تَحِلُّ لَهُ بِمِلْكِ الْيَمِينِ فَقَالاَ لاَ تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ .

USC-MSA web (English) reference : Book 28, Hadith 31
Arabic reference : Book 28, Hadith 1125

Yahya related to me from Malik that he had asked Ibn Shihab about a man who had a slave-girl as a wife, and then he bought her, and divorced her once. He said, "She is halal for him by the possession of the right hand as long as he does not make his divorce irrevocable. If he irrevocably divorces her, she is not halal for him by the possession of the right hand until she has married another husband."

Malik said that if a man rnarried a female slave and then she had a child by him, and then he bought her, she was not an umm walad for him because of the child born to him while she belonged to another, until she had had a child by him while she was in his possession after he had purchased her.
Malik said, "If he buys her and she is pregnant by him and she then gives birth while she belongs to him, she is his umm walad by that pregnancy, according to what we think, and Allah knows best."
وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنْ رَجُلٍ، كَانَتْ تَحْتَهُ أَمَةٌ مَمْلُوكَةٌ فَاشْتَرَاهَا وَقَدْ كَانَ طَلَّقَهَا وَاحِدَةً فَقَالَ تَحِلُّ لَهُ بِمِلْكِ يَمِينِهِ مَا لَمْ يَبُتَّ طَلاَقَهَا فَإِنْ بَتَّ طَلاَقَهَا فَلاَ تَحِلُّ لَهُ بِمِلْكِ يَمِينِهِ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ . قَالَ مَالِكٌ فِي الرَّجُلِ يَنْكِحُ الأَمَةَ فَتَلِدُ مِنْهُ ثُمَّ يَبْتَاعُهَا إِنَّهَا لاَ تَكُونُ أُمَّ وَلَدٍ لَهُ بِذَلِكَ الْوَلَدِ الَّذِي وَلَدَتْ مِنْهُ وَهِيَ لِغَيْرِهِ حَتَّى تَلِدَ مِنْهُ وَهِيَ فِي مِلْكِهِ بَعْدَ ابْتِيَاعِهِ إِيَّاهَا . قَالَ مَالِكٌ وَإِنِ اشْتَرَاهَا وَهِيَ حَامِلٌ مِنْهُ ثُمَّ وَضَعَتْ عِنْدَهُ كَانَتْ أُمَّ وَلَدِهِ بِذَلِكَ الْحَمْلِ فِيمَا نُرَى وَاللَّهُ أَعْلَمُ .

USC-MSA web (English) reference : Book 28, Hadith 32
Arabic reference : Book 28, Hadith 1126

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from his father that Umar ibn al- Khattab was asked about a woman and her daughter who were in the possession of the right hand, and whether one could have intercourse with one of them after the other Umar said, "I dislike both being permitted together." He then forbade that.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، سُئِلَ عَنِ الْمَرْأَةِ، وَابْنَتِهَا، مِنْ مِلْكِ الْيَمِينِ تُوطَأُ إِحْدَاهُمَا بَعْدَ الأُخْرَى فَقَالَ عُمَرُ مَا أُحِبُّ أَنْ أَخْبُرَهُمَا جَمِيعًا . وَنَهَى عَنْ ذَلِكَ .

USC-MSA web (English) reference : Book 28, Hadith 33
Arabic reference : Book 28, Hadith 1127

Yahya related to me from Malik from Ibn Shihab from Qabisa ibn Dhu'ayb that a man asked Uthman ibn Affan whether one could have intercourse with two sisters who one owned. Uthman said, "One ayat makes them halal, and one ayat makes them haram. As for me, I wouldn't like to do it." The man left him and met one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, and asked him about it, and he said, "Had I any authority and I found someone who had done it, I would punish him as an example."

Ibn Shihab added, "I think that it was Ali ibn Abi Talib. "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ قَبِيصَةَ بْنِ ذُؤَيْبٍ، أَنَّ رَجُلاً، سَأَلَ عُثْمَانَ بْنَ عَفَّانَ عَنِ الأُخْتَيْنِ، مِنْ مِلْكِ الْيَمِينِ هَلْ يُجْمَعُ بَيْنَهُمَا فَقَالَ عُثْمَانُ أَحَلَّتْهُمَا آيَةٌ وَحَرَّمَتْهُمَا آيَةٌ فَأَمَّا أَنَا فَلاَ أُحِبُّ أَنْ أَصْنَعَ ذَلِكَ . قَالَ فَخَرَجَ مِنْ عِنْدِهِ فَلَقِيَ رَجُلاً مِنْ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَسَأَلَهُ عَنْ ذَلِكَ فَقَالَ لَوْ كَانَ لِي مِنَ الأَمْرِ شَىْءٌ ثُمَّ وَجَدْتُ أَحَدًا فَعَلَ ذَلِكَ لَجَعَلْتُهُ نَكَالاً . قَالَ ابْنُ شِهَابٍ أُرَاهُ عَلِيَّ بْنَ أَبِي طَالِبٍ .

USC-MSA web (English) reference : Book 28, Hadith 34
Arabic reference : Book 28, Hadith 1128

Yahya related to me from Malik that he had heard that az-Zubayr ibn al-Awwam said the like of that.

Malik said that if a man had sexual relations with a female slave that he owned, and then he wanted to also have relations with her sister, the sister was not halal for a man until intercourse with the slave-girl had been made haram for him by marriage, setting free, kitaba, or the like of that - for instance, if he had married her to his slave or someone other than his slave.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنِ الزُّبَيْرِ بْنِ الْعَوَّامِ، مِثْلُ ذَلِكَ . قَالَ مَالِكٌ فِي الأَمَةِ تَكُونُ عِنْدَ الرَّجُلِ فَيُصِيبُهَا ثُمَّ يُرِيدُ أَنْ يُصِيبَ أُخْتَهَا إِنَّهَا لاَ تَحِلُّ لَهُ حَتَّى يُحَرِّمَ عَلَيْهِ فَرْجَ أُخْتِهَا بِنِكَاحٍ أَوْ عِتَاقَةٍ أَوْ كِتَابَةٍ أَوْ مَا أَشْبَهَ ذَلِكَ يُزَوِّجُهَا عَبْدَهُ أَوْ غَيْرَ عَبْدِهِ .

USC-MSA web (English) reference : Book 28, Hadith 35
Arabic reference : Book 28, Hadith 1129

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab gave his son a slave-girl and said, "Do not touch her, for I have uncovered her."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَهَبَ لاِبْنِهِ جَارِيَةً فَقَالَ لاَ تَمَسَّهَا فَإِنِّي قَدْ كَشَفْتُهَا .

USC-MSA web (English) reference : Book 28, Hadith 36
Arabic reference : Book 28, Hadith 1130

Yahya related to me from Malik that Abd arRahman ibn al-Mujabbir said that Salim ibn Abdullah gave his son a slave-girl and said, "Do not go near her, for I wanted her, and did not act towards her."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْمُجَبَّرِ، أَنَّهُ قَالَ وَهَبَ سَالِمُ بْنُ عَبْدِ اللَّهِ لاِبْنِهِ جَارِيَةً قَالَ لاَ تَقْرَبْهَا فَإِنِّي قَدْ أَرَدْتُهَا فَلَمْ أَنْشَطْ إِلَيْهَا ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 36
Arabic reference : Book 28, Hadith 1131

Yahya related to me from Malik from Yahya ibn Said that Abu Nahshal ibn al-Aswad said to al-Qasim ibn Muhammad,"I saw a slave-girl of mine uncovered in the moonlight, and so I sat on her as a man sits on a woman. She said that she was menstruating, so I stood up and have not gone near her after that. Can I give her to my son to have intercourse with?" Al-Qasim forbade that.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ أَبَا نَهْشَلِ بْنَ الأَسْوَدِ، قَالَ لِلْقَاسِمِ بْنِ مُحَمَّدٍ إِنِّي رَأَيْتُ جَارِيَةً لِي مُنْكَشِفًا عَنْهَا وَهِيَ فِي الْقَمَرِ فَجَلَسْتُ مِنْهَا مَجْلِسَ الرَّجُلِ مِنِ امْرَأَتِهِ فَقَالَتْ إِنِّي حَائِضٌ فَقُمْتُ فَلَمْ أَقْرَبْهَا بَعْدُ أَفَأَهَبُهَا لاِبْنِي يَطَؤُهَا فَنَهَاهُ الْقَاسِمُ عَنْ ذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 37
Arabic reference : Book 28, Hadith 1132

Yahya related to me from Malik from Ibrahim ibn Abi Abla from Abd al-Malik ibn Marwan that he gave a slave-girl to a friend of his, and later asked him about her. He said, "I intended to give her to my son to do such-and-such with her." Abd al-Malik said, "Marwan was more scrupulous than you. He gave a slave-girl to his son, and then he said, 'Do not go near her, for I have seen her leg uncovered .' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِبْرَاهِيمَ بْنِ أَبِي عَبْلَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ مَرْوَانَ، أَنَّهُ وَهَبَ لِصَاحِبٍ لَهُ جَارِيَةً ثُمَّ سَأَلَهُ عَنْهَا فَقَالَ قَدْ هَمَمْتُ أَنْ أَهَبَهَا لاِبْنِي فَيَفْعَلَ بِهَا كَذَا وَكَذَا ‏.‏ فَقَالَ عَبْدُ الْمَلِكِ لَمَرْوَانُ كَانَ أَوْرَعَ مِنْكَ وَهَبَ لاِبْنِهِ جَارِيَةً ثُمَّ قَالَ لاَ تَقْرَبْهَا فَإِنِّي قَدْ رَأَيْتُ سَاقَهَا مُنْكَشِفَةً ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 38
Arabic reference : Book 28, Hadith 1133

Malik said, "It is not halal to marry a christian or jewish slave-girl because Allah the Blessed, the Exalted, said in His Book, 'Believing women who are muhsanat and women of those who were given the Book before you who are muhsanat', (sura 5 ayat 6) and they are free women from the Christians and Jews. Allah, the Blessed, the Exalted, said in His Book, 'If you are not affluent enough to marry believing women who are muhsanat, take believing slave-girls whom your right hands own.' " (Sura 4 ayat 24)

Malik said, "In our opinion, Allah made marriage to believing slave-girls halal, and He did not make halal marriage to christian and jewish slave-girls from the People of the Book."
Malik said, "The christian and jewish slave-girl are halal for their master by right of possession, but intercourse with a magian slave-girl is not halal by the right of possession."

USC-MSA web (English) reference : Book 28, Hadith 38

Yahya related to me from Malik from Ibn Shihab that Said ibn al- Musayyab said, "The muhsanat among women are those who have husbands." That referred to the fact that Allah has made fornication haram.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ الْمُحْصَنَاتُ مِنَ النِّسَاءِ هُنَّ أُولاَتُ الأَزْوَاجِ وَيَرْجِعُ ذَلِكَ إِلَى أَنَّ اللَّهَ حَرَّمَ الزِّنَا .

USC-MSA web (English) reference : Book 28, Hadith 39
Arabic reference : Book 28, Hadith 1134

Yahya related to me from Malik from Ibn Shihab, and he had heard from al-Qasim ibn Muhammad that they said, "When a free man marries a slave-girl and consummates the marriage, she makes him muhsan."

Malik said, "All (of the people of knowledge) I have seen said that a slave-girl makes a free man muhsan when he marries her and consummates the marriage."
Malik said, "A slave makes a free woman muhsana when he consummates a marriage with her and a free woman only makes a slave muhsan when he is freed and he is her husband and has had sexual relations with her after he has been set free. If he parts from her before he is free, he is not a muhsan unless he marries her after having been set free and he consummates the marriage."
Malik said, "When a slave-girl is married to a free man and then he separates from her before she is set free, his marriage to her does not make her muhsana. She is not muhsana until she has married after she has been set free and she has had intercourse with her husband. That gives her ihsan. If she is the wife of a freeman and then she is set free while she is his wife before he separates from her, the man makes her muhsana if he has intercourse with her after she has been set free."
Malik said, "The christian and jewish free women and the muslim slave-girl all make a muslim free man muhsan when he marries one of them and has intercourse with her."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، وَبَلَغَهُ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُمَا كَانَا يَقُولاَنِ إِذَا نَكَحَ الْحُرُّ الأَمَةَ فَمَسَّهَا فَقَدْ أَحْصَنَتْهُ . قَالَ مَالِكٌ وَكُلُّ مَنْ أَدْرَكْتُ كَانَ يَقُولُ ذَلِكَ تُحْصِنُ الأَمَةُ الْحُرَّ إِذَا نَكَحَهَا فَمَسَّهَا فَقَدْ أَحْصَنَتْهُ . قَالَ مَالِكٌ يُحْصِنُ الْعَبْدُ الْحُرَّةَ إِذَا مَسَّهَا بِنِكَاحٍ وَلاَ تُحْصِنُ الْحُرَّةُ الْعَبْدَ إِلاَّ أَنْ يَعْتِقَ وَهُوَ زَوْجُهَا فَيَمَسَّهَا بَعْدَ عِتْقِهِ فَإِنْ فَارَقَهَا قَبْلَ أَنْ يَعْتِقَ فَلَيْسَ بِمُحْصَنٍ حَتَّى يَتَزَوَّجَ بَعْدَ عِتْقِهِ وَيَمَسَّ امْرَأَتَهُ . قَالَ مَالِكٌ وَالأَمَةُ إِذَا كَانَتْ تَحْتَ الْحُرِّ ثُمَّ فَارَقَهَا قَبْلَ أَنْ تَعْتِقَ فَإِنَّهُ لاَ يُحْصِنُهَا نِكَاحُهُ إِيَّاهَا وَهِيَ أَمَةٌ حَتَّى تُنْكَحَ بَعْدَ عِتْقِهَا وَيُصِيبَهَا زَوْجُهَا فَذَلِكَ إِحْصَانُهَا وَالأَمَةُ إِذَا كَانَتْ تَحْتَ الْحُرِّ فَتَعْتِقُ وَهِيَ تَحْتَهُ قَبْلَ أَنْ يُفَارِقَهَا فَإِنَّهُ يُحْصِنُهَا إِذَا عَتَقَتْ وَهِيَ عِنْدَهُ إِذَا هُوَ أَصَابَهَا بَعْدَ أَنْ تَعْتِقَ . وَقَالَ مَالِكٌ وَالْحُرَّةُ النَّصْرَانِيَّةُ وَالْيَهُودِيَّةُ وَالأَمَةُ الْمُسْلِمَةُ يُحْصِنَّ الْحُرَّ الْمُسْلِمَ إِذَا نَكَحَ إِحْدَاهُنَّ فَأَصَابَهَا .

USC-MSA web (English) reference : Book 28, Hadith 40
Arabic reference : Book 28, Hadith 1135

Yahya related to me from Malik from Ibn Shihab from Abdullah and Hasan, the sons of Muhammad ibn Ali ibn Abi Talib from their ather, mayAllah be pleased with him, that the Messenger of Allah, may Allah bless him and grant him peace, forbade temporary marriage with women and the flesh of domestic donkeys on the Day of Khaybar.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ، وَالْحَسَنِ، ابْنَىْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ عَنْ أَبِيهِمَا، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، رضى الله عنه أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ مُتْعَةِ النِّسَاءِ يَوْمَ خَيْبَرَ وَعَنْ أَكْلِ لُحُومِ الْحُمُرِ الإِنْسِيَّةِ .

USC-MSA web (English) reference : Book 28, Hadith 41
Arabic reference : Book 28, Hadith 1136

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr that Khawla ibn Hakim came to Umar ibn al-Khattab and said, "Rabia ibn Umayya made a temporary marriage with a woman and she is pregnant by him." Umar ibn al-Khattab went out in dismay dragging his cloak, saying, "This temporary marriage, had I come across it, I would have ordered stoning and done away with it! "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، أَنَّ خَوْلَةَ بِنْتَ حَكِيمٍ، دَخَلَتْ عَلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَتْ إِنَّ رَبِيعَةَ بْنَ أُمَيَّةَ اسْتَمْتَعَ بِامْرَأَةٍ فَحَمَلَتْ مِنْهُ . فَخَرَجَ عُمَرُ بْنُ الْخَطَّابِ فَزِعًا يَجُرُّ رِدَاءَهُ فَقَالَ هَذِهِ الْمُتْعَةُ وَلَوْ كُنْتُ تَقَدَّمْتُ فِيهَا لَرَجَمْتُ .

USC-MSA web (English) reference : Book 28, Hadith 42
Arabic reference : Book 28, Hadith 1137

Yahya related to me from Malik that he heard Rabia ibn Abd ar- Rahman say that a slave could marry four women.

Malik said, "This is the best of what I have heard about the matter."
Malik said, "The slave differs with the muhallil if the slave is given permission by his master for his ex-wife. If his master does not give him permission, he separates them. The muhallil is separated in any case if he intends to make the woman halal by marriage."
Malik said, "When a slave is owned by his wife or a husband owns his wife, the possession of each of them is rendered void without divorce. If a man, for instance, is married to a slave-girl, and then he buys her, he must divorce her as a matter of course. They can then re- marry. If they re-marry afterwards, that separation was not divorce."
Malik said, "When a slave is freed by his wife who owns him and she is in the idda-period from him, they can only return to each other after she has made another marriage."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ سَمِعَ رَبِيعَةَ بْنَ أَبِي عَبْدِ الرَّحْمَنِ، يَقُولُ يَنْكِحُ الْعَبْدُ أَرْبَعَ نِسْوَةٍ . قَالَ مَالِكٌ وَهَذَا أَحْسَنُ مَا سَمِعْتُ فِي ذَلِكَ . قَالَ مَالِكٌ وَالْعَبْدُ مُخَالِفٌ لِلْمُحَلِّلِ إِنْ أَذِنَ لَهُ سَيِّدُهُ ثَبَتَ نِكَاحُهُ وَإِنْ لَمْ يَأْذَنْ لَهُ سَيِّدُهُ فُرِّقَ بَيْنَهُمَا وَالْمُحَلِّلُ يُفَرَّقُ بَيْنَهُمَا عَلَى كُلِّ حَالٍ إِذَا أُرِيدَ بِالنِّكَاحِ التَّحْلِيلُ . قَالَ مَالِكٌ فِي الْعَبْدِ إِذَا مَلَكَتْهُ امْرَأَتُهُ أَوِ الزَّوْجُ يَمْلِكُ امْرَأَتَهُ إِنَّ مِلْكَ كُلِّ وَاحِدٍ مِنْهُمَا صَاحِبَهُ يَكُونُ فَسْخًا بِغَيْرِ طَلاَقٍ وَإِنْ تَرَاجَعَا بِنِكَاحٍ بَعْدُ لَمْ تَكُنْ تِلْكَ الْفُرْقَةُ طَلاَقًا . قَالَ مَالِكٌ وَالْعَبْدُ إِذَا أَعْتَقَتْهُ امْرَأَتُهُ إِذَا مَلَكَتْهُ وَهِيَ فِي عِدَّةٍ مِنْهُ لَمْ يَتَرَاجَعَا إِلاَّ بِنِكَاحٍ جَدِيدٍ .

USC-MSA web (English) reference : Book 28, Hadith 43
Arabic reference : Book 28, Hadith 1138

Malik related to me from Ibn Shihab that he had heard that in the time of the Messenger of Allah, may Allah bless him and grant him peace, women were becoming muslim in their own lands and they did not do hijra while their husbands were still kafirun although they themselves had become muslim. Among them was the daughter of al-Walid ibn al-Mughira and she was the wife of Safwan ibn Umayya. She became muslim on the day of the conquest (of Makka), and her husband, Safwan ibn Umayya fled from Islam. The Messenger of Allah, may Allah bless him and grant him peace, sent Safwan's paternal cousin, Wahb ibn Umayr with the cloak of the Messenger of Allah, may Allah bless him and grant him peace, as a safe-conduct for Safwan ibn Umayya, and the Messenger of Allah, may Allah bless him and grant him peace, called him to Islam and asked for him to come to him and if he was pleased with the matter to accept it. If not he would have a respite for two months.

When Safwan came to the Messenger of Allah, may Allah bless him and grant him peace, with his cloak, he called out to him over the heads of the people, "Muhammad! Wahb ibn Umayr brought me your cloak and claimed that you had summoned me to come to you and if I was pleased with the matter, I should accept it and if not, you would give me a respite for two months. "The Messenger of Allah, may Allah bless him and grant him peace, said, "Come down, Abu Wahb." He said, "No, by Allah! I will not come down until you make it clear to me." The Messenger of Allah, may Allah bless him and grant him peace, said, "You have a respite of four months." The Messenger of Allah, may Allah bless him and grant him peace, went out toward Hawazin at Hunayn. He sent to Safwan ibn Umayya to borrow some equipment and arms that he had. Safwan said, "Willingly or unwillingly?" He said, "Willingly." Therefore he lent him the equipment and arms which he had. Then Safwan went out with the Messenger of Allah, may Allah bless him and grant him peace, while he was still a kafir. He was present at the battles of Hunayn and at-Ta'if while he was still a kafir and his wife was a muslim. The Messenger of Allah, may Allah bless him and grant him peace, did not separate Safwan and his wife until he had become muslim, and his wife was settled with him by that marriage.

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ بَلَغَهُ أَنَّ نِسَاءً، كُنَّ فِي عَهْدِ رَسُولِ اللَّهِ صلى الله عليه وسلم يُسْلِمْنَ بِأَرْضِهِنَّ وَهُنَّ غَيْرُ مُهَاجِرَاتٍ وَأَزْوَاجُهُنَّ حِينَ أَسْلَمْنَ كُفَّارٌ مِنْهُنَّ بِنْتُ الْوَلِيدِ بْنِ الْمُغِيرَةِ . وَكَانَتْ تَحْتَ صَفْوَانَ بْنِ أُمَيَّةَ فَأَسْلَمَتْ يَوْمَ الْفَتْحِ وَهَرَبَ زَوْجُهَا صَفْوَانُ بْنُ أُمَيَّةَ مِنَ الإِسْلاَمِ فَبَعَثَ إِلَيْهِ رَسُولُ اللَّهِ صلى الله عليه وسلم ابْنَ عَمِّهِ وَهْبَ بْنَ عُمَيْرٍ بِرِدَاءِ رَسُولِ اللَّهِ صلى الله عليه وسلم أَمَانًا لِصَفْوَانَ بْنِ أُمَيَّةَ وَدَعَاهُ رَسُولُ اللَّهِ صلى الله عليه وسلم إِلَى الإِسْلاَمِ وَأَنْ يَقْدَمَ عَلَيْهِ فَإِنْ رَضِيَ أَمْرًا قَبِلَهُ وَإِلاَّ سَيَّرَهُ شَهْرَيْنِ فَلَمَّا قَدِمَ صَفْوَانُ عَلَى رَسُولِ اللَّهِ صلى الله عليه وسلم بِرِدَائِهِ نَادَاهُ عَلَى رُءُوسِ النَّاسِ فَقَالَ يَا مُحَمَّدُ إِنَّ هَذَا وَهْبَ بْنَ عُمَيْرٍ جَاءَنِي بِرِدَائِكَ وَزَعَمَ أَنَّكَ دَعَوْتَنِي إِلَى الْقُدُومِ عَلَيْكَ فَإِنْ رَضِيتُ أَمْرًا قَبِلْتُهُ وَإِلاَّ سَيَّرْتَنِي شَهْرَيْنِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " انْزِلْ أَبَا وَهْبٍ " . فَقَالَ لاَ وَاللَّهِ لاَ أَنْزِلُ حَتَّى تُبَيِّنَ لِي . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " بَلْ لَكَ تَسِيرُ أَرْبَعَةَ أَشْهُرٍ " . فَخَرَجَ رَسُولُ اللَّهِ صلى الله عليه وسلم قِبَلَ هَوَازِنَ بِحُنَيْنٍ . فَأَرْسَلَ إِلَى صَفْوَانَ بْنِ أُمَيَّةَ يَسْتَعِيرُهُ أَدَاةً وَسِلاَحًا عِنْدَهُ فَقَالَ صَفْوَانُ أَطَوْعًا أَمْ كَرْهًا فَقَالَ " بَلْ طَوْعًا " . فَأَعَارَهُ الأَدَاةَ وَالسِّلاَحَ الَّتِي عِنْدَهُ ثُمَّ خَرَجَ صَفْوَانُ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم وَهُوَ كَافِرٌ فَشَهِدَ حُنَيْنًا وَالطَّائِفَ وَهُوَ كَافِرٌ وَامْرَأَتُهُ مُسْلِمَةٌ وَلَمْ يُفَرِّقْ رَسُولُ اللَّهِ صلى الله عليه وسلم بَيْنَهُ وَبَيْنَ امْرَأَتِهِ حَتَّى أَسْلَمَ صَفْوَانُ وَاسْتَقَرَّتْ عِنْدَهُ امْرَأَتُهُ بِذَلِكَ النِّكَاحِ .

USC-MSA web (English) reference : Book 28, Hadith 44
Arabic reference : Book 28, Hadith 1139

Yahya related to me from Malik that Ibn Shihab said, "Between the Islam of Safwan and the Islam of his wife there was about one month."

Ibn Shihab said, "We have not heard about any woman doing hijra for Allah and His Messenger while her husband was a kafir abiding in the land of kufr, but that her hijra separated her and her husband unless her husband came in hijra before her period of idda had been completed."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ كَانَ بَيْنَ إِسْلاَمِ صَفْوَانَ وَبَيْنَ إِسْلاَمِ امْرَأَتِهِ نَحْوٌ مِنْ شَهْرٍ . قَالَ ابْنُ شِهَابٍ وَلَمْ يَبْلُغْنَا أَنَّ امْرَأَةً هَاجَرَتْ إِلَى اللَّهِ وَرَسُولِهِ وَزَوْجُهَا كَافِرٌ مُقِيمٌ بِدَارِ الْكُفْرِ إِلاَّ فَرَّقَتْ هِجْرَتُهَا بَيْنَهَا وَبَيْنَ زَوْجِهَا إِلاَّ أَنْ يَقْدَمَ زَوْجُهَا مُهَاجِرًا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا .

USC-MSA web (English) reference : Book 28, Hadith 45
Arabic reference : Book 28, Hadith 1140

Yahya related to me from Malik from Ibn Shihab that Umm Hakim bint al-Harith ibn Hisham who was the wife of Ikrima ibn Abi Jahl became muslim on the day of the conquest of Makka, and her husband Ikrima fled from Islam as far as the Yemen. Umm Hakim set out after him until she came to him in the Yemen and she called him to Islam, and he became muslim. He went to the Messenger of Allah, may Allah bless him and grant him peace, in the year of the conquest. When the Messenger of Allah, may Allah bless him and grant him peace, saw him, he rushed to him in joy and did not bother to put on his cloak until he had made the pledge with him. They were confirmed in their marriage.

Malik said, "If a man becomes muslim before his wife, a separation occurs between them when he presents Islam to her and she does not become muslim, because Allah, the Blessed, the Exalted, said in His Book, 'Do not hold fast to the ties of women who are kafirun.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ أُمَّ حَكِيمٍ بِنْتَ الْحَارِثِ بْنِ هِشَامٍ، وَكَانَتْ، تَحْتَ عِكْرِمَةَ بْنِ أَبِي جَهْلٍ فَأَسْلَمَتْ يَوْمَ الْفَتْحِ وَهَرَبَ زَوْجُهَا عِكْرِمَةُ بْنُ أَبِي جَهْلٍ مِنَ الإِسْلاَمِ حَتَّى قَدِمَ الْيَمَنَ فَارْتَحَلَتْ أُمُّ حَكِيمٍ حَتَّى قَدِمَتْ عَلَيْهِ بِالْيَمَنِ فَدَعَتْهُ إِلَى الإِسْلاَمِ فَأَسْلَمَ وَقَدِمَ عَلَى رَسُولِ اللَّهِ صلى الله عليه وسلم عَامَ الْفَتْحِ فَلَمَّا رَآهُ رَسُولُ اللَّهِ صلى الله عليه وسلم وَثَبَ إِلَيْهِ فَرِحًا وَمَا عَلَيْهِ رِدَاءٌ حَتَّى بَايَعَهُ فَثَبَتَا عَلَى نِكَاحِهِمَا ذَلِكَ . قَالَ مَالِكٌ وَإِذَا أَسْلَمَ الرَّجُلُ قَبْلَ امْرَأَتِهِ وَقَعَتِ الْفُرْقَةُ بَيْنَهُمَا إِذَا عُرِضَ عَلَيْهَا الإِسْلاَمُ فَلَمْ تُسْلِمْ لأَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ فِي كِتَابِهِ {وَلاَ تُمْسِكُوا بِعِصَمِ الْكَوَافِرِ}.

USC-MSA web (English) reference : Book 28, Hadith 46
Arabic reference : Book 28, Hadith 1141

Yahya related to me from Malik from Humayd at-Tawil from Anas ibn Malik that Abd ar-Rahman ibn Awf came to the Messenger of Allah, may Allah bless him and grant him peace, and he had a traceof yellow on him. The Messenger of Allah, may Allah bless him and grant him peace, asked about it. He told him that he had just been married. The Messenger of Allah, may Allah bless him and grant him peace, said, "How much did you hand over to her?" He said, "The weight of a date pit in gold." The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Hold a feast, even if it is only with a sheep.

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ، جَاءَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم وَبِهِ أَثَرُ صُفْرَةٍ فَسَأَلَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم فَأَخْبَرَهُ أَنَّهُ تَزَوَّجَ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " كَمْ سُقْتَ إِلَيْهَا " . فَقَالَ زِنَةَ نَوَاةٍ مِنْ ذَهَبٍ . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَوْلِمْ وَلَوْ بِشَاةٍ " .

USC-MSA web (English) reference : Book 28, Hadith 47
Arabic reference : Book 28, Hadith 1142

Yahya related to me from Malik that Yahya ibn Said said, "I have heard that the Messenger of Allah, may Allah bless him and grant him peace, held a wedding feast in which there was neither meat nor bread."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ لَقَدْ بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يُولِمُ بِالْوَلِيمَةِ مَا فِيهَا خُبْزٌ وَلاَ لَحْمٌ .

USC-MSA web (English) reference : Book 28, Hadith 48
Arabic reference : Book 28, Hadith 1143

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you are invited to a wedding feast, you must go to it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا دُعِيَ أَحَدُكُمْ إِلَى وَلِيمَةٍ فَلْيَأْتِهَا " .

USC-MSA web (English) reference : Book 28, Hadith 49
Arabic reference : Book 28, Hadith 1144

Yahya related to me from Malik from Ibr. Shihab from al-Araj that Abu Hurayra said, "The worst food is the food of a wedding feast to which the rich are invited and the poor are left out. If anyone rejects an invitation, he has rebelled against Allah and His Messenger."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ كَانَ يَقُولُ شَرُّ الطَّعَامِ طَعَامُ الْوَلِيمَةِ يُدْعَى لَهَا الأَغْنِيَاءُ وَيُتْرَكُ الْمَسَاكِينُ وَمَنْ لَمْ يَأْتِ الدَّعْوَةَ فَقَدْ عَصَى اللَّهَ وَرَسُولَهُ .

USC-MSA web (English) reference : Book 28, Hadith 50
Arabic reference : Book 28, Hadith 1145

Yahya related to me from Malik that Ishaq ibn Abdullah ibn Abi Talha heard Anas ibn Malik say that a certain tailor invited the Messenger of Allah, may Allah bless him and grant him peace, to eat some food which he had prepared.

Anas said, "I went with the Messenger of Allah, may Allah bless him and grant him peace, to eat the food. He served barley bread and a soup with pumpkin in it. I saw the Messenger of Allah, may Allah bless him and grant him peace, going after the pumpkin around the dish, so I have always liked pumpkin since that day."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ، يَقُولُ إِنَّ خَيَّاطًا دَعَا رَسُولَ اللَّهِ صلى الله عليه وسلم لِطَعَامٍ صَنَعَهُ . قَالَ أَنَسٌ فَذَهَبْتُ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم إِلَى ذَلِكَ الطَّعَامِ فَقَرَّبَ إِلَيْهِ خُبْزًا مِنْ شَعِيرٍ وَمَرَقًا فِيهِ دُبَّاءُ . قَالَ أَنَسٌ فَرَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَتَتَبَّعُ الدُّبَّاءَ مِنْ حَوْلِ الْقَصْعَةِ فَلَمْ أَزَلْ أُحِبُّ الدُّبَّاءَ بَعْدَ ذَلِكَ الْيَوْمِ .

USC-MSA web (English) reference : Book 28, Hadith 51
Arabic reference : Book 28, Hadith 1146

Yahya related to me from Malik from Zayd ibn Aslam that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you marry a woman or buy a slave-girl, take her by the forelock and ask for baraka. When you buy a camel, take the top of its hump, and seek refuge with Allah from Shaytan."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا تَزَوَّجَ أَحَدُكُمُ الْمَرْأَةَ أَوِ اشْتَرَى الْجَارِيَةَ فَلْيَأْخُذْ بِنَاصِيَتِهَا وَلْيَدْعُ بِالْبَرَكَةِ وَإِذَا اشْتَرَى الْبَعِيرَ فَلْيَأْخُذْ بِذِرْوَةِ سَنَامِهِ وَلْيَسْتَعِذْ بِاللَّهِ مِنَ الشَّيْطَانِ " .

USC-MSA web (English) reference : Book 28, Hadith 52
Arabic reference : Book 28, Hadith 1147

Yahya related to me from Malik from Abu'z-Zubayr al-Makki that somebody asked a man for his sister in marriage and the man mentioned that she had committed fornication. Umar ibn al-Khattab heard about it and he beat the man or almost beat him, and said, "What did you mean by giving him such information?"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، أَنَّ رَجُلاً، خَطَبَ إِلَى رَجُلٍ أُخْتَهُ فَذَكَرَ أَنَّهَا قَدْ كَانَتْ أَحْدَثَتْ فَبَلَغَ ذَلِكَ عُمَرَ بْنَ الْخَطَّابِ فَضَرَبَهُ - أَوْ كَادَ يَضْرِبُهُ - ثُمَّ قَالَ مَا لَكَ وَلِلْخَبَرِ

USC-MSA web (English) reference : Book 28, Hadith 53
Arabic reference : Book 28, Hadith 1148

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that al-Qasim ibn Muhammad and Urwa ibn az-Zubayr said that a man who had four wives and then divorced one of them irrevocably, could marry straightaway if he wished, and he did not have to wait for the completion of her idda.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، وَعُرْوَةَ بْنَ الزُّبَيْرِ، كَانَا يَقُولاَنِ فِي الرَّجُلِ يَكُونُ عِنْدَهُ أَرْبَعُ نِسْوَةٍ فَيُطَلِّقُ إِحْدَاهُنَّ الْبَتَّةَ أَنَّهُ يَتَزَوَّجُ إِنْ شَاءَ وَلاَ يَنْتَظِرُ أَنْ تَنْقَضِيَ عِدَّتُهَا .

USC-MSA web (English) reference : Book 28, Hadith 54
Arabic reference : Book 28, Hadith 1149

Yahya related to me from Malik from Rabia ibn Abd ar-Rahman that al-Qasim ibn Muhammad and Urwa ibn az-Zubayr gave the same judgement to al-Walid ibn Abd al-Malik in the year of his arrival in Madina except that al-Qasim ibn Muhammad said that he divorced his wife on various occasions. (i.e. not at one time).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، وَعُرْوَةَ بْنَ الزُّبَيْرِ، أَفْتَيَا الْوَلِيدَ بْنَ عَبْدِ الْمَلِكِ عَامَ قَدِمَ الْمَدِينَةَ بِذَلِكَ غَيْرَ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ قَالَ طَلَّقَهَا فِي مَجَالِسَ شَتَّى .

USC-MSA web (English) reference : Book 28, Hadith 55
Arabic reference : Book 28, Hadith 1150

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "There are three things in which there is no jest:

marriage, divorce, and setting free."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ ثَلاَثٌ لَيْسَ فِيهِنَّ لَعِبٌ النِّكَاحُ وَالطَّلاَقُ وَالْعِتْقُ .

USC-MSA web (English) reference : Book 28, Hadith 56
Arabic reference : Book 28, Hadith 1151

Yahya related to me from Malik from Ibn Shihab that Rafi ibn Khadij married the daughter of Muhammad ibn Maslama al-Ansari. She was with him until she grew older, and then he married a young girl and preferred the young girl to her. She begged him to divorce her, so he divorced her and then he gave her time until she had almost finished her idda period and then he returned and still preferred the young girl. She therefore asked him to divorce her. He divorced her once, and then returned to her, and still preferred the young girl, and she asked him to divorce her. He said, "What do you want? There is only one divorce left. If you like, continue and put up with what you see of preference, and if you like, I will separate from you." She said, "I will continue in spite of the preference." He kept

her in spite of that. Rafi did not see that he had done any wrong action when she remained with him in spite of preference.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ، أَنَّهُ تَزَوَّجَ بِنْتَ مُحَمَّدِ بْنِ مَسْلَمَةَ الأَنْصَارِيِّ فَكَانَتْ عِنْدَهُ حَتَّى كَبِرَتْ فَتَزَوَّجَ عَلَيْهَا فَتَاةً شَابَّةً فَآثَرَ الشَّابَّةَ عَلَيْهَا فَنَاشَدَتْهُ الطَّلاَقَ فَطَلَّقَهَا وَاحِدَةً ثُمَّ أَمْهَلَهَا حَتَّى إِذَا كَادَتْ تَحِلُّ رَاجَعَهَا ثُمَّ عَادَ فَآثَرَ الشَّابَّةَ فَنَاشَدَتْهُ الطَّلاَقَ فَطَلَّقَهَا وَاحِدَةً ثُمَّ رَاجَعَهَا ثُمَّ عَادَ فَآثَرَ الشَّابَّةَ فَنَاشَدَتْهُ الطَّلاَقَ فَقَالَ مَا شِئْتِ إِنَّمَا بَقِيَتْ وَاحِدَةٌ فَإِنْ شِئْتِ اسْتَقْرَرْتِ عَلَى مَا تَرَيْنَ مِنَ الأُثْرَةِ وَإِنْ شِئْتِ فَارَقْتُكِ ‏.‏ قَالَتْ بَلْ أَسْتَقِرُّ عَلَى الأُثْرَةِ ‏.‏ فَأَمْسَكَهَا عَلَى ذَلِكَ وَلَمْ يَرَ رَافِعٌ عَلَيْهِ إِثْمًا حِينَ قَرَّتْ عِنْدَهُ عَلَى الأُثْرَةِ ‏.‏

USC-MSA web (English) reference : Book 28, Hadith 57
Arabic reference : Book 28, Hadith 1152

29 - Divorce كتاب الطلاق

Yahya related to me from Malik that he had heard that a man said to Abdullah ibn Abbas, "I have divorced my wife by saying I divorce you a hundred times. What do you think my situation is?" Ibn Abbas said to him, "She was divorced from you by three pronouncements, and by the ninety-seven, you have mocked the ayat of Allah."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، قَالَ لِعَبْدِ اللَّهِ بْنِ عَبَّاسٍ إِنِّي طَلَّقْتُ امْرَأَتِي مِائَةَ تَطْلِيقَةٍ فَمَاذَا تَرَى عَلَىَّ فَقَالَ لَهُ ابْنُ عَبَّاسٍ طَلُقَتْ مِنْكَ لِثَلاَثٍ وَسَبْعٌ وَتِسْعُونَ اتَّخَذْتَ بِهَا آيَاتِ اللَّهِ هُزُوًا .

USC-MSA web (English) reference : Book 29, Hadith 1
Arabic reference : Book 29, Hadith 1153

Yahya related to me from Malik that he had heard that a man came to Abdullah ibn Masud and said, "I have divorced my wife by saying I divorce you eight times." Ibn Masud said to him, "What have people told you?" He replied, "I have been told that I have to part absolutely from her." Ibn Masud said, "They have spoken the truth. A person who divorces as Allah has commanded, Allah makes it clear for him, and a person who obscures himself in error, we make stay by his error. So do not confuse yourselves and pull us into your confusion. It is as they have said."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، جَاءَ إِلَى عَبْدِ اللَّهِ بْنِ مَسْعُودٍ فَقَالَ إِنِّي طَلَّقْتُ امْرَأَتِي ثَمَانِيَ تَطْلِيقَاتٍ . فَقَالَ ابْنُ مَسْعُودٍ فَمَاذَا قِيلَ لَكَ قَالَ قِيلَ لِي إِنَّهَا قَدْ بَانَتْ مِنِّي . فَقَالَ ابْنُ مَسْعُودٍ صَدَقُوا مَنْ طَلَّقَ كَمَا أَمَرَهُ اللَّهُ فَقَدْ بَيَّنَ اللَّهُ لَهُ وَمَنْ لَبَسَ عَلَى نَفْسِهِ لَبْسًا جَعَلْنَا لَبْسَهُ مُلْصَقًا بِهِ لاَ تَلْبِسُوا عَلَى أَنْفُسِكُمْ وَنَتَحَمَّلَهُ عَنْكُمْ هُوَ كَمَا يَقُولُونَ .

USC-MSA web (English) reference : Book 29, Hadith 2
Arabic reference : Book 29, Hadith 1154

Yahya related to me from Malik from Yahya ibn Said from Abu Bakr ibn Hazm thatUmar ibn Abd al-Aziz had asked him what people said about the 'irrevocable' divorce, and Abu Bakr had replied that Aban ibn Uthman had clarified that it was declared only once. Umar ibn Abd al- Aziz said, "Even if divorce had to be declared a thousand times, the'irrevocable' would use them all up. A person who says, 'irrevocably' has cast the furthest limit."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرِ بْنِ حَزْمٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، قَالَ لَهُ الْبَتَّةُ مَا يَقُولُ النَّاسُ فِيهَا قَالَ أَبُو بَكْرٍ فَقُلْتُ لَهُ كَانَ أَبَانُ بْنُ عُثْمَانَ يَجْعَلُهَا وَاحِدَةً . فَقَالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ لَوْ كَانَ الطَّلاَقُ أَلْفًا مَا أَبْقَتِ الْبَتَّةُ مِنْهَا شَيْئًا مَنْ قَالَ الْبَتَّةَ فَقَدْ رَمَى الْغَايَةَ الْقُصْوَى .

USC-MSA web (English) reference : Book 29, Hadith 3
Arabic reference : Book 29, Hadith 1155

Yahya related to me from Malik from Ibn Shihab that Marwan ibn al-Hakam decided that if someone made three pronouncements of divorce, he had divorced his wife irrevocably.

Malik said, "That is what I like best of what I have heard on the subject."

29.2 Divorce by Euphemistic Statements

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ مَرْوَانَ بْنَ الْحَكَمِ، كَانَ يَقْضِي فِي الَّذِي يُطَلِّقُ امْرَأَتَهُ الْبَتَّةَ أَنَّهَا ثَلاَثُ تَطْلِيقَاتٍ . قَالَ مَالِكٌ وَهَذَا أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 29, Hadith 4
Arabic reference : Book 29, Hadith 1156

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab had heard in a letter from Iraq that a man said to his wife, "Your rein is on your withers (i.e. you have free rein)." Umar ibn al-Khattab wrote to his governor to order the man to come to him at Makka at the time of hajj. While Umar was doing tawaf around the House, a man met him and greeted him. Umar asked him who he was, and he replied that he was the man that he had ordered to be brought to him. Umar said to him, "I ask you by the Lord of this building, what did you mean by your statement, 'Your rein is on your withers.'?" The man replied, "Had you made me swear by other than this place, I would not have told you the truth. I intended separation by that." Umar ibn al- Khattab said, "It is what you intended."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّهُ كُتِبَ إِلَى عُمَرَ بْنِ الْخَطَّابِ مِنَ الْعِرَاقِ أَنَّ رَجُلاً قَالَ لاِمْرَأَتِهِ حَبْلُكِ عَلَى غَارِبِكِ فَكَتَبَ عُمَرُ بْنُ الْخَطَّابِ إِلَى عَامِلِهِ أَنْ مُرْهُ يُوَافِينِي بِمَكَّةَ فِي الْمَوْسِمِ فَبَيْنَمَا عُمَرُ يَطُوفُ بِالْبَيْتِ إِذْ لَقِيَهُ الرَّجُلُ فَسَلَّمَ عَلَيْهِ فَقَالَ عُمَرُ مَنْ أَنْتَ فَقَالَ أَنَا الَّذِي أَمَرْتَ أَنْ أُجْلَبَ عَلَيْكَ . فَقَالَ لَهُ عُمَرُ أَسْأَلُكَ بِرَبِّ هَذِهِ الْبَنِيَّةِ مَا أَرَدْتَ بِقَوْلِكَ حَبْلُكِ عَلَى غَارِبِكِ فَقَالَ لَهُ الرَّجُلُ لَوِ اسْتَحْلَفْتَنِي فِي غَيْرِ هَذَا الْمَكَانِ مَا صَدَقْتُكَ أَرَدْتُ بِذَلِكَ الْفِرَاقَ . فَقَالَ عُمَرُ بْنُ الْخَطَّابِ هُوَ مَا أَرَدْتَ .

USC-MSA web (English) reference : Book 29, Hadith 5
Arabic reference : Book 29, Hadith 1157

Yahya related to me from Malik that he had heard that Ali ibn Abi Talib used to say that if a man said to his wife, "You are haram for me," it counted as three pronouncements of divorce.

Malik said, "That is the best of what I have heard on the subject."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ، كَانَ يَقُولُ فِي الرَّجُلِ يَقُولُ لاِمْرَأَتِهِ أَنْتِ عَلَىَّ حَرَامٌ إِنَّهَا ثَلاَثُ تَطْلِيقَاتٍ . قَالَ مَالِكٌ وَذَلِكَ أَحْسَنُ مَا سَمِعْتُ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 29, Hadith 6
Arabic reference : Book 29, Hadith 1158

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said that statements like "I cut myself off from you",or"You are abandoned", were considered as three pronouncements of divorce.

Malik said that any strong statements such as these or others were considered as three pronouncements of divorce for a woman whose marriage had been consummated. In the case of a woman whose marriage had not been consummated, the man was asked to make an oath on his deen, as to whether he had intended one or three pronouncements of divorce. If he had intended one pronouncement, he was asked to make an oath by Allah to confirm it, and he became a suitor among other suitors, because a woman whose marriage had been consummated, required three pronouncements of divorce to make her inaccessible for the husband, whilst only one pronouncement was needed to make a woman whose marriage had not been consummated inaccessible.
Malik added, "That is the best of what I have heard about the matter."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ فِي الْخَلِيَّةِ وَالْبَرِيَّةِ إِنَّهَا ثَلاَثُ تَطْلِيقَاتٍ كُلُّ وَاحِدَةٍ مِنْهُمَا .

USC-MSA web (English) reference : Book 29, Hadith 7
Arabic reference : Book 29, Hadith 1159

Yahya related to me from Malik from Yahya ibn Said from al-Qasim ibn Muhammad that a certain man had taken a slave-girl belonging to somebody else as a wife. He said to her people, "She is your concern," and people considered that to be one pronouncement of divorce.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، . أَنَّ رَجُلاً، كَانَتْ تَحْتَهُ وَلِيدَةٌ لِقَوْمٍ فَقَالَ لأَهْلِهَا شَأْنَكُمْ بِهَا . فَرَأَى النَّاسُ أَنَّهَا تَطْلِيقَةٌ وَاحِدَةٌ .

USC-MSA web (English) reference : Book 29, Hadith 8
Arabic reference : Book 29, Hadith 1160

Yahya related to me from Malik that he heard Ibn Shihab say that if a man said to his wife, "You are free of me, and I am free of you, " it counted as three pronouncements of divorce as if it were an 'irrevocable' divorce.

Malik said that if a man made any strong statement such as these to his wife, it counted as three pronouncements of divorce for a woman whose marriage had been consummated, or it was written as one of three for a woman whose marriage had not been consummated, whichever the man wished. If he said he intended only one divorce he swore to it and he became one of the suitors because, whereas a woman whose marriage had been consummated was made inaccessible by three pronouncements of divorce, the woman whose marriage had not been consummated was made inaccessible by only one pronouncement.
Malik said, "That is the best of what I have heard."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَمِعَ ابْنَ شِهَابٍ، يَقُولُ فِي الرَّجُلِ يَقُولُ لاِمْرَأَتِهِ بَرِئْتِ مِنِّي وَبَرِئْتُ مِنْكِ إِنَّهَا ثَلاَثُ تَطْلِيقَاتٍ بِمَنْزِلَةِ الْبَتَّةِ . قَالَ مَالِكٌ فِي الرَّجُلِ يَقُولُ لاِمْرَأَتِهِ أَنْتِ خَلِيَّةٌ أَوْ بَرِيَّةٌ أَوْ بَائِنَةٌ إِنَّهَا ثَلاَثُ تَطْلِيقَاتٍ لِلْمَرْأَةِ الَّتِي قَدْ دَخَلَ بِهَا وَيُدَيَّنُ فِي الَّتِي لَمْ يَدْخُلْ بِهَا أَوَاحِدَةً أَرَادَ أَمْ ثَلاَثًا فَإِنْ قَالَ وَاحِدَةً أُحْلِفَ عَلَى ذَلِكَ وَكَانَ خَاطِبًا مِنَ الْخُطَّابِ لأَنَّهُ لاَ يُخْلِي الْمَرْأَةَ الَّتِي قَدْ دَخَلَ بِهَا زَوْجُهَا وَلاَ يُبِينُهَا وَلاَ يُبْرِيهَا إِلاَّ ثَلاَثُ تَطْلِيقَاتٍ وَالَّتِي لَمْ يَدْخُلْ بِهَا تُخْلِيهَا وَتُبْرِيهَا وَتُبِينُهَا الْوَاحِدَةُ . قَالَ مَالِكٌ وَهَذَا أَحْسَنُ مَا سَمِعْتُ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 29, Hadith 9
Arabic reference : Book 29, Hadith 1161

Yahya related to me from Malik that he had heard that a man came to Abdullah ibn Umar, and said, "Abu Abd ar-Rahman! I placed the command of my wife in her hand, and she divorced herself, what do you think?" Abdullah ibn Umar said, "I think that it is as she said." The man said, "Don't do it, Abu Abd ar-Rahman!" Ibn Umar said, "You did it, it has nothing to do with me."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، جَاءَ إِلَى عَبْدِ اللَّهِ بْنِ عُمَرَ فَقَالَ يَا أَبَا عَبْدِ الرَّحْمَنِ إِنِّي جَعَلْتُ أَمْرَ امْرَأَتِي فِي يَدِهَا فَطَلَّقَتْ نَفْسَهَا فَمَاذَا تَرَى فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ أُرَاهُ كَمَا قَالَتْ . فَقَالَ الرَّجُلُ لاَ تَفْعَلْ يَا أَبَا عَبْدِ الرَّحْمَنِ . فَقَالَ ابْنُ عُمَرَ أَنَا أَفْعَلُ أَنْتَ فَعَلْتَهُ .

USC-MSA web (English) reference : Book 29, Hadith 10
Arabic reference : Book 29, Hadith 1162

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "When a man gives a woman command over herself, then the result is as she decides unless he denies it and says that he only meant to give her one divorce and he swears to it - then he has access to her while she is in her idda."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ إِذَا مَلَّكَ الرَّجُلُ امْرَأَتَهُ أَمْرَهَا فَالْقَضَاءُ مَا قَضَتْ بِهِ إِلاَّ أَنْ يُنْكِرَ عَلَيْهَا وَيَقُولَ لَمْ أُرِدْ إِلاَّ وَاحِدَةً فَيَحْلِفُ عَلَى ذَلِكَ وَيَكُونُ أَمْلَكَ بِهَا مَا كَانَتْ فِي عِدَّتِهَا ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 11
Arabic reference : Book 29, Hadith 1163

Yahya related to me from Malik from Said ibn Sulayman ibn Zayd ibn Thabit that Kharija ibn Zayd ibn Thabit told him that he was sitting with Zayd ibn Thabit when Muhammad ibn Abi Atiq came to him with his eyes brimming with tears. Zayd asked him what the matter was. He said, "I gave my wife command of herself, and she separated from me." Zayd said to him, "What made you do that?" He said, "The Decree." Zayd said, "Return to her if you wish for it is only one pronouncement, and you have access to her."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ سُلَيْمَانَ بْنِ زَيْدِ بْنِ ثَابِتٍ، عَنْ خَارِجَةَ بْنِ زَيْدِ بْنِ ثَابِتٍ، أَنَّهُ أَخْبَرَهُ أَنَّهُ، كَانَ جَالِسًا عِنْدَ زَيْدِ بْنِ ثَابِتٍ فَأَتَاهُ مُحَمَّدُ بْنُ أَبِي عَتِيقٍ وَعَيْنَاهُ تَدْمَعَانِ فَقَالَ لَهُ زَيْدٌ مَا شَأْنُكَ فَقَالَ مَلَّكْتُ امْرَأَتِي أَمْرَهَا فَفَارَقَتْنِي ‏.‏ فَقَالَ لَهُ زَيْدٌ مَا حَمَلَكَ عَلَى ذَلِكَ قَالَ الْقَدَرُ ‏.‏ فَقَالَ زَيْدٌ ارْتَجِعْهَا إِنْ شِئْتَ فَإِنَّمَا هِيَ وَاحِدَةٌ وَأَنْتَ أَمْلَكُ بِهَا ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 12
Arabic reference : Book 29, Hadith 1164

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that a man of Thaqif gave his wife command over herself, and she said, "You are divorced." He was silent. She said, "You are divorced." He said, "May a stone be in your mouth." She said, "You are divorced." He said, "May a stone be in your mouth." They argued and went to Marwan ibn al-Hakam. He took an oath that he had only given her control over one pronouncement, and then she returned to him.

Malik said that Abd ar-Rahman declared that this decision had amazed al-Qasim, who thought it the best that he had heard on the subject.
Malik added, "That is also the best of what I have heard on the subject."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّ رَجُلاً، مِنْ ثَقِيفٍ مَلَّكَ امْرَأَتَهُ أَمْرَهَا فَقَالَتْ أَنْتَ الطَّلاَقُ فَسَكَتَ ثُمَّ قَالَتْ أَنْتَ الطَّلاَقُ فَقَالَ بِفِيكِ الْحَجَرُ ‏.‏ ثُمَّ قَالَتْ أَنْتَ الطَّلاَقُ فَقَالَ بِفِيكِ الْحَجَرُ ‏.‏ فَاخْتَصَمَا إِلَى مَرْوَانَ بْنِ الْحَكَمِ فَاسْتَحْلَفَهُ مَا مَلَّكَهَا إِلاَّ وَاحِدَةً وَرَدَّهَا إِلَيْهِ ‏.‏ قَالَ مَالِكٌ قَالَ عَبْدُ الرَّحْمَنِ فَكَانَ الْقَاسِمُ يُعْجِبُهُ هَذَا الْقَضَاءُ وَيَرَاهُ أَحْسَنَ مَا سَمِعَ فِي ذَلِكَ ‏.‏ قَالَ مَالِكٌ وَهَذَا أَحْسَنُ مَا سَمِعْتُ فِي ذَلِكَ وَأَحَبُّهُ إِلَىَّ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 13
Arabic reference : Book 29, Hadith 1165

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, umm al-muminin, proposed to Qurayba bint Abi Umayya on behalf of Abd ar-Rahman ibn Abi Bakr. They married her to him and her

people found fault with Abd ar-Rahman and said, "We only gave in marriage because of A'isha." A'isha therefore sent for Abd ar-Rahman and told him about it. He gave Qurayba authority over herself and she chose her husband and so there was no divorce.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا خَطَبَتْ عَلَى عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ قُرَيْبَةَ بِنْتَ أَبِي أُمَيَّةَ فَزَوَّجُوهُ ثُمَّ إِنَّهُمْ عَتَبُوا عَلَى عَبْدِ الرَّحْمَنِ وَقَالُوا مَا زَوَّجْنَا إِلاَّ عَائِشَةَ فَأَرْسَلَتْ عَائِشَةُ إِلَى عَبْدِ الرَّحْمَنِ فَذَكَرَتْ ذَلِكَ لَهُ فَجَعَلَ أَمْرَ قُرَيْبَةَ بِيَدِهَا فَاخْتَارَتْ زَوْجَهَا فَلَمْ يَكُنْ ذَلِكَ طَلاَقًا ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 14
Arabic reference : Book 29, Hadith 1166

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, gave Hafsa bint Abd arRahman in marriage to al-Mundhir ibn az-Zubayr while Abd ar-Rahman was away in Syria. When Abd ar-Rahman arrived, he said, "Shall someone like me have this done to him? Am I the kind of man to have something done to him without his consent?" A'isha spoke to al-Mundhir ibn az-Zubayr, and al-Mundhir said, "It is in the hands of Abd ar-Rahman." Abd ar-Rahman said, "I won't oppose something that you have already completed." Hafsa was confirmed with al-Mundhir, and there was no divorce.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم زَوَّجَتْ حَفْصَةَ بِنْتَ عَبْدِ الرَّحْمَنِ الْمُنْذِرَ بْنَ الزُّبَيْرِ - وَعَبْدُ الرَّحْمَنِ غَائِبٌ بِالشَّامِ - فَلَمَّا قَدِمَ عَبْدُ الرَّحْمَنِ قَالَ وَمِثْلِي يُصْنَعُ هَذَا بِهِ وَمِثْلِي يُفْتَاتُ عَلَيْهِ فَكَلَّمَتْ عَائِشَةُ الْمُنْذِرَ بْنَ الزُّبَيْرِ فَقَالَ الْمُنْذِرُ فَإِنَّ ذَلِكَ بِيَدِ عَبْدِ الرَّحْمَنِ ‏.‏ فَقَالَ عَبْدُ الرَّحْمَنِ مَا كُنْتُ لأَرُدَّ أَمْرًا قَضَيْتِيهِ فَقَرَّتْ حَفْصَةُ عِنْدَ الْمُنْذِرِ وَلَمْ يَكُنْ ذَلِكَ طَلاَقًا ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 15
Arabic reference : Book 29, Hadith 1167

Yahya related to me from Malik that he had heard that Abdullah ibn Umar and Abu Hurayra were asked about a man who gave his wife power over herself, and she returned it to him without doing anything with it. They said that there was no divorce. (i.e. The man's giving his wife power over herself was not interpreted as a desire for divorce on his part.)

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، وَأَبَا، هُرَيْرَةَ سُئِلاَ عَنِ الرَّجُلِ، يُمَلِّكُ امْرَأَتَهُ أَمْرَهَا فَتَرُدُّ ذَلِكَ إِلَيْهِ وَلاَ تَقْضِي فِيهِ شَيْئًا فَقَالاَ لَيْسَ ذَلِكَ بِطَلاَقٍ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 16
Arabic reference : Book 29, Hadith 1168

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "If a man gives his wife authority over herself, and she does not separate from him and remains with him, there is no divorce."

Malik said that a woman whose husband gave her power over herself and they separated while she was unwilling, had no power to revoke the divorce. She only had power over herself as long as they remained together.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ إِذَا مَلَّكَ الرَّجُلُ امْرَأَتَهُ أَمْرَهَا فَلَمْ تُفَارِقْهُ وَقَرَّتْ عِنْدَهُ فَلَيْسَ ذَلِكَ بِطَلاَقٍ . قَالَ مَالِكٌ فِي الْمُمَلَّكَةِ إِذَا مَلَّكَهَا زَوْجُهَا أَمْرَهَا ثُمَّ افْتَرَقَا وَلَمْ تَقْبَلْ مِنْ ذَلِكَ شَيْئًا فَلَيْسَ بِيَدِهَا مِنْ ذَلِكَ شَيْءٌ وَهُوَ لَهَا مَا دَامَا فِي مَجْلِسِهِمَا .

USC-MSA web (English) reference : Book 29, Hadith 16
Arabic reference : Book 29, Hadith 1169

Yahya related to me from Malik from Jafar ibn Muhammad from his father that Ali ibn Abi Talib said, "When a man takes a vow to abstain from intercourse, divorce does not occur immediately. If four months pass, he must declare his intent and either he is divorced or he revokes his vow . "

Malik said, "That is what is done among us."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّهُ كَانَ يَقُولُ إِذَا آلَى الرَّجُلُ مِنِ امْرَأَتِهِ لَمْ يَقَعْ عَلَيْهِ طَلاَقٌ وَإِنْ مَضَتِ الأَرْبَعَةُ الأَشْهُرِ حَتَّى يُوقَفَ فَإِمَّا أَنْ يُطَلِّقَ وَإِمَّا أَنْ يَفِيءَ . قَالَ مَالِكٌ وَذَلِكَ الأَمْرُ عِنْدَنَا .

USC-MSA web (English) reference : Book 29, Hadith 17
Arabic reference : Book 29, Hadith 1170

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "When a man makes a vow to abstain from intercourse with his wife and four months have passed he must declare his intent and either he is divorced or he revokes his vow. Divorce does not occur until four months have passed and he continues to abstain."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ أَيُّمَا رَجُلٍ آلَى مِنِ امْرَأَتِهِ فَإِنَّهُ إِذَا مَضَتِ الأَرْبَعَةُ الأَشْهُرِ وُقِفَ حَتَّى يُطَلِّقَ أَوْ يَفِيءَ وَلاَ يَقَعُ عَلَيْهِ طَلاَقٌ إِذَا مَضَتِ الأَرْبَعَةُ الأَشْهُرِ حَتَّى يُوقَفَ .

USC-MSA web (English) reference : Book 29, Hadith 18
Arabic reference : Book 29, Hadith 1171

Yahya related to me from Malik from Ibn Shihab that Said al-Musayyab and Abu Bakr ibn Abd ar-Rahman said about a man who made a vow to abstain from intercourse with his wife, "If four months pass it is a divorce. The husband can go back to his wife as long as she is in her idda."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، وَأَبَا، بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ كَانَا يَقُولاَنِ فِي الرَّجُلِ يُولِي مِنِ امْرَأَتِهِ إِنَّهَا إِذَا مَضَتِ الأَرْبَعَةُ الأَشْهُرِ فَهِيَ تَطْلِيقَةٌ وَلِزَوْجِهَا عَلَيْهَا الرَّجْعَةُ مَا كَانَتْ فِي الْعِدَّةِ .

USC-MSA web (English) reference : Book 29, Hadith 18
Arabic reference : Book 29, Hadith 1172

Yahya related to me from Malik that he had heard that Marwan ibn al-Hakam decided about a man who had made a vow to abstain from intercourse with his wife, that when four months had passed, it was a divorce and he could return to her as long as she was in her idda.

Malik added, "That was also the opinion of Ibn Shihab."
Malik said that if a man made a vow to abstain from intercourse with his wife and at the end of four months he declared his intent to continue to abstain, he was divorced. He could go back to his wife, but if he did not have intercourse with her before the end of her idda, he had no access to her and he could not go back to her unless he

had an excuse - illness, imprisonment, or a similar excuse. His return to her maintained her as his wife. If her idda passed and then he married her after that and did not have intercourse with her until four months had passed and he declared his intent to continue to abstain, divorce was applied to him by the first vow. If four months passed, and he had not returned to her, he had no idda against her nor access because he had married her and then divorced her before touching her.

Malik said that a man who made a vow to abstain from intercourse with his wife and continued to abstain after four months and so divorced her, but then returned and did not touch her and four months were completed before her idda was completed, did not have to declare his intent and divorce did not befall him. If he had intercourse with her before the end of her idda, he was entitled to her. If her idda passed before he had intercourse with her, he had no access to her. This is what Malik preferred of what he had heard on the subject.

Malik said that if a man made a vow to abstain from intercourse with his wife and then divorced her, and the four months of the vow were completed before completion of the idda of the divorce, it counted as two pronouncements of divorce. If he declared his intention to continue to abstain and the idda of the divorce finished before the four months the vow of abstention was not a divorce. That was because the four months had passed and she was not his on that day.

Malik said, "If someone makes a vow not to have intercourse with his wife for a day or a month and then waits until more than four months have passed, it is not ila. Ila only applies to someone who vows more than four months. As for the one who vows not to have intercourse with his wife for four months or less than that, I do not think that it is ila because when the term enters into it at which it stops, he comes out of his oath and he does not have to declare his intention."

Malik said, "If someone vows to his wife not to have intercourse with her until her child has been weaned, that is not ila. I have heard that Ali ibn Abi Talib was asked about that and he did not think that it was ila."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ مَرْوَانَ بْنَ الْحَكَمِ، كَانَ يَقْضِي فِي الرَّجُلِ إِذَا آلَى مِنِ امْرَأَتِهِ أَنَّهَا إِذَا مَضَتِ الأَرْبَعَةُ الأَشْهُرِ فَهِيَ تَطْلِيقَةٌ وَلَهُ عَلَيْهَا الرَّجْعَةُ مَا دَامَتْ فِي عِدَّتِهَا . قَالَ مَالِكٌ وَعَلَى ذَلِكَ كَانَ رَأْىُ ابْنِ شِهَابٍ . قَالَ مَالِكٌ فِي الرَّجُلِ يُولِي مِنِ امْرَأَتِهِ فَيُوقَفُ فَيُطَلِّقُ عِنْدَ انْقِضَاءِ الأَرْبَعَةِ الأَشْهُرِ ثُمَّ يُرَاجِعُ امْرَأَتَهُ أَنَّهُ إِنْ لَمْ يُصِبْهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا فَلاَ سَبِيلَ لَهُ إِلَيْهَا وَلاَ رَجْعَةَ لَهُ عَلَيْهَا إِلاَّ أَنْ يَكُونَ لَهُ عُذْرٌ مِنْ مَرَضٍ أَوْ سِجْنٍ أَوْ مَا أَشْبَهَ ذَلِكَ مِنَ الْعُذْرِ فَإِنَّ ارْتِجَاعَهُ إِيَّاهَا ثَابِتٌ عَلَيْهَا فَإِنْ مَضَتْ عِدَّتُهَا ثُمَّ تَزَوَّجَهَا بَعْدَ ذَلِكَ فَإِنَّهُ إِنْ لَمْ يُصِبْهَا حَتَّى تَنْقَضِيَ الأَرْبَعَةُ الأَشْهُرِ وَقَفَ أَيْضًا فَإِنْ لَمْ يَفِئْ دَخَلَ عَلَيْهِ الطَّلاَقُ بِالإِيلاَءِ الأَوَّلِ إِذَا مَضَتِ الأَرْبَعَةُ الأَشْهُرِ وَلَمْ يَكُنْ لَهُ عَلَيْهَا رَجْعَةٌ لأَنَّهُ نَكَحَهَا ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَمَسَّهَا فَلاَ عِدَّةَ لَهُ عَلَيْهَا وَلاَ رَجْعَةَ . قَالَ مَالِكٌ فِي الرَّجُلِ يُولِي مِنِ امْرَأَتِهِ فَيُوقَفُ بَعْدَ الأَرْبَعَةِ الأَشْهُرِ فَيُطَلِّقُ ثُمَّ يَرْتَجِعُ وَلاَ يَمَسُّهَا فَتَنْقَضِي أَرْبَعَةُ أَشْهُرٍ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا إِنَّهُ لاَ يُوقَفُ وَلاَ يَقَعُ عَلَيْهِ طَلاَقٌ وَإِنَّهُ إِنْ أَصَابَهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا كَانَ أَحَقَّ بِهَا وَإِنْ مَضَتْ عِدَّتُهَا قَبْلَ أَنْ يُصِيبَهَا فَلاَ سَبِيلَ لَهُ إِلَيْهَا وَهَذَا أَحْسَنُ مَا سَمِعْتُ فِي ذَلِكَ . قَالَ مَالِكٌ فِي الرَّجُلِ يُولِي مِنِ امْرَأَتِهِ ثُمَّ يُطَلِّقُهَا فَتَنْقَضِي الأَرْبَعَةُ الأَشْهُرِ قَبْلَ انْقِضَاءِ عِدَّةِ الطَّلاَقِ قَالَ هُمَا تَطْلِيقَتَانِ إِنْ هُوَ وُقِفَ وَلَمْ يَفِئْ وَإِنْ مَضَتْ عِدَّةُ الطَّلاَقِ قَبْلَ الأَرْبَعَةِ الأَشْهُرِ فَلَيْسَ الإِيلاَءُ بِطَلاَقٍ وَذَلِكَ أَنَّ الأَرْبَعَةَ الأَشْهُرِ الَّتِي كَانَتْ تُوقَفُ بَعْدَهَا مَضَتْ وَلَيْسَتْ لَهُ يَوْمَئِذٍ بِامْرَأَةٍ . قَالَ مَالِكٌ وَمَنْ حَلَفَ أَنْ لاَ يَطَأَ امْرَأَتَهُ يَوْمًا أَوْ شَهْرًا ثُمَّ مَكَثَ حَتَّى يَنْقَضِيَ أَكْثَرُ مِنَ الأَرْبَعَةِ الأَشْهُرِ فَلاَ يَكُونُ ذَلِكَ إِيلاَءً وَإِنَّمَا يُوقَفُ فِي الإِيلاَءِ مَنْ حَلَفَ عَلَى أَكْثَرَ مِنَ الأَرْبَعَةِ الأَشْهُرِ فَأَمَّا مَنْ حَلَفَ أَنْ لاَ يَطَأَ امْرَأَتَهُ أَرْبَعَةَ أَشْهُرٍ أَوْ أَدْنَى مِنْ ذَلِكَ فَلاَ أَرَى عَلَيْهِ إِيلاَءً لأَنَّهُ إِذَا دَخَلَ

الأَجَلُ الَّذِي يُوقَفُ عِنْدَهُ خَرَجَ مِنْ يَمِينِهِ وَلَمْ يَكُنْ عَلَيْهِ وَقْفٌ . قَالَ مَالِكٌ مَنْ حَلَفَ لاِمْرَأَتِهِ أَنْ لاَ يَطَأَهَا حَتَّى تَفْطِمَ وَلَدَهَا فَإِنَّ ذَلِكَ لاَ يَكُونُ إِيلاَءً .

USC-MSA web (English) reference : Book 29, Hadith 19
Arabic reference : Book 29, Hadith 1173

Yahya related to me from Malik that he had asked Ibn Shihab about the ila of the slave. He said that it was like the ila of the free man, and it put an obligation on him. The ila of the slave was two months.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنْ إِيلاَءِ الْعَبْدِ، فَقَالَ هُوَ نَحْوُ إِيلاَءِ الْحُرِّ وَهُوَ عَلَيْهِ وَاجِبٌ وَإِيلاَءُ الْعَبْدِ شَهْرَانِ .

USC-MSA web (English) reference : Book 29, Hadith 19
Arabic reference : Book 29, Hadith 1175

Yahya related to me from Malik from Said ibn Amr ibn Sulaym az- Zuraqi that he asked al-Qasim ibn Muhammad about a man who made divorce conditional on his marrying a woman i.e. if he married her he would automatically divorce her. Al-Qasim ibn Muhammad said, "If a man marries a woman whom he has made as his mother's back, i.e. has made haram for him, Umar ibn al-Khattab ordered him not to go near her if he married her until he had done the kaffara for pronouncing dhihar."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ عَمْرِو بْنِ سُلَيْمٍ الزُّرَقِيِّ، أَنَّهُ سَأَلَ الْقَاسِمَ بْنَ مُحَمَّدٍ عَنْ رَجُلٍ، طَلَّقَ امْرَأَةً إِنْ هُوَ تَزَوَّجَهَا فَقَالَ الْقَاسِمُ بْنُ مُحَمَّدٍ إِنَّ رَجُلاً جَعَلَ امْرَأَةً عَلَيْهِ كَظَهْرِ أُمِّهِ إِنْ هُوَ تَزَوَّجَهَا فَأَمَرَهُ عُمَرُ بْنُ الْخَطَّابِ إِنْ هُوَ تَزَوَّجَهَا أَنْ لاَ يَقْرَبَهَا حَتَّى يُكَفِّرَ كَفَّارَةَ الْمُتَظَاهِرِ .

USC-MSA web (English) reference : Book 29, Hadith 20
Arabic reference : Book 29, Hadith 1176

Yahya related to me from Malik that he had heard that a man asked al-Qasim ibn Muhammad and Sulayman ibn Yasar about a man who pronounced dhihar from his wife before he had married her. They said, "If he marries her, he must not touch her until he has done the kaffara for pronouncing dhihar."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، سَأَلَ الْقَاسِمَ بْنَ مُحَمَّدٍ وَسُلَيْمَانَ بْنَ يَسَارٍ عَنْ رَجُلٍ تَظَاهَرَ مِنِ امْرَأَتِهِ قَبْلَ أَنْ يَنْكِحَهَا فَقَالاَ إِنْ نَكَحَهَا فَلاَ يَمَسَّهَا حَتَّى يُكَفِّرَ كَفَّارَةَ الْمُتَظَاهِرِ .

USC-MSA web (English) reference : Book 29, Hadith 21
Arabic reference : Book 29, Hadith 1177

Yahya related to me from Malik from Hisham ibn Urwa that his father said that a man who pronounced a dhihar from his four wives in one statement, had only to do one kaffara. Yahya related the same as that to me from Malik from Rabia ibn Abi Abd ar-Rahman.

Malik said, "That is what is done among us. Allah, the Exalted said about the kaffara for pronouncing dhihar, 'It is to free a slave before they touch one another. If he does not find the means to do that, then fasting for two consecutive months before they touch one another. If he cannot do that, it is to feed sixty poor people. ' " (Sura 58 ayats 4,5).

Malik said that a man who pronounced dhihar from his wife on various occasions had only to do one kaffara. If he pronounced dhihar, and then did kaffara, and then pronounced dhihar after he had done the kaffara, he had to do kaffara again.
Malik said, "Some one who pronounces dhihar from his wife and then has intercourse with her before he has done kaffara, only has to do one kaffara. He must abstain from her until he does kaffara and ask forgiveness of Allah. That is the best of what I have heard. "
Malik said, "It is the same with dhihar using any prohibited relations of fosterage and ancestry."
Malik said, "Women have no dhihar."
Malik said that he had heard that the commentary on the word of Allah, the Blessed, the Exalted, "Those of you who pronounce the dhihar about their wives, and then retract what they have said," (Sura 56 ayat 3), was that a man pronounced dhihar on his wife and then decided to keep her and have intercourse with her. If he decided on that, he must do kaffara. If he divorced her and did not decide to retract his dhihar of her and to keep her and have intercourse with her, there would be no kaffara incumbent on him.
Maliksaid, "If he marries her after that, he does not touch her until he has completed the kaffara of pronouncing dhihar."
Malik said that if a man who pronounced dhihar from his slave-girl wanted to have intercourse with her, he had to do the kaffara of the dhihar before he could sleep with her.
Malik said, "There is no ila in a man's dhihar unless it is evident that he does not intend to retract his dhihar."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ فِي رَجُلٍ تَظَاهَرَ مِنْ أَرْبَعَةِ نِسْوَةٍ لَهُ بِكَلِمَةٍ وَاحِدَةٍ إِنَّهُ لَيْسَ عَلَيْهِ إِلاَّ كَفَّارَةٌ وَاحِدَةٌ ‏.‏

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، مِثْلَ ذَلِكَ ‏.‏ قَالَ مَالِكٌ وَعَلَى ذَلِكَ الأَمْرُ عِنْدَنَا قَالَ اللَّهُ تَعَالَى فِي كَفَّارَةِ الْمُتَظَاهِرِ ‏{فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَّا ‏}‏‏.‏ ‏{فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَّا فَمَنْ لَمْ يَسْتَطِعْ فَإِطْعَامُ سِتِّينَ مِسْكِينًا‏}‏ ‏.‏ قَالَ مَالِكٌ فِي الرَّجُلِ يَتَظَاهَرُ مِنِ امْرَأَتِهِ فِي مَجَالِسَ مُتَفَرِّقَةٍ قَالَ لَيْسَ عَلَيْهِ إِلاَّ كَفَّارَةٌ وَاحِدَةٌ فَإِنْ تَظَاهَرَ ثُمَّ كَفَّرَ ثُمَّ تَظَاهَرَ بَعْدَ أَنْ يُكَفِّرَ فَعَلَيْهِ الْكَفَّارَةُ أَيْضًا ‏.‏ قَالَ مَالِكٌ وَمَنْ تَظَاهَرَ مِنِ امْرَأَتِهِ ثُمَّ مَسَّهَا قَبْلَ أَنْ يُكَفِّرَ لَيْسَ عَلَيْهِ إِلاَّ كَفَّارَةٌ وَاحِدَةٌ وَيَكُفُّ عَنْهَا حَتَّى يُكَفِّرَ وَلْيَسْتَغْفِرِ اللَّهَ وَذَلِكَ أَحْسَنُ مَا سَمِعْتُ ‏.‏ قَالَ مَالِكٌ وَالظِّهَارُ مِنْ ذَوَاتِ الْمَحَارِمِ مِنَ الرَّضَاعَةِ وَالنَّسَبِ سَوَاءٌ ‏.‏ قَالَ مَالِكٌ وَلَيْسَ عَلَى النِّسَاءِ ظِهَارٌ ‏.‏ قَالَ مَالِكٌ فِي قَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى ‏{وَالَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا‏}‏ قَالَ سَمِعْتُ أَنَّ تَفْسِيرَ ذَلِكَ أَنْ يَتَظَاهَرَ الرَّجُلُ مِنِ امْرَأَتِهِ ثُمَّ يُجْمِعَ عَلَى إِمْسَاكِهَا وَإِصَابَتِهَا فَإِنْ أَجْمَعَ عَلَى ذَلِكَ فَقَدْ وَجَبَتْ عَلَيْهِ الْكَفَّارَةُ وَإِنْ طَلَّقَهَا وَلَمْ يُجْمِعْ بَعْدَ تَظَاهُرِهِ مِنْهَا عَلَى إِمْسَاكِهَا وَإِصَابَتِهَا فَلاَ كَفَّارَةَ عَلَيْهِ ‏.‏ قَالَ مَالِكٌ فَإِنْ تَزَوَّجَهَا بَعْدَ ذَلِكَ لَمْ يَمَسَّهَا حَتَّى يُكَفِّرَ كَفَّارَةَ الْمُتَظَاهِرِ ‏.‏ قَالَ مَالِكٌ فِي الرَّجُلِ يَتَظَاهَرُ مِنْ أَمَتِهِ إِنَّهُ إِنْ أَرَادَ أَنْ يُصِيبَهَا فَعَلَيْهِ كَفَّارَةُ الظِّهَارِ قَبْلَ أَنْ يَطَأَهَا ‏.‏ قَالَ مَالِكٌ لاَ يَدْخُلُ عَلَى الرَّجُلِ إِيلاَءٌ فِي تَظَاهُرِهِ إِلاَّ أَنْ يَكُونَ مُضَارًّا لاَ يُرِيدُ أَنْ يَفِيءَ مِنْ تَظَاهُرِهِ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 22
Arabic reference : Book 29, Hadith 1178

Yahya related to me from Malik from Hisham ibn Urwa that he heard a man ask Urwa ibn az-Zubayr about a man who said to his wife, "Any woman I marry along with you as long as you live will be like my mother's back to me." Urwa ibn az-Zubayr said, "The freeing of slaves is enough to release him from that."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّهُ سَمِعَ رَجُلاً، يَسْأَلُ عُرْوَةَ بْنَ الزُّبَيْرِ عَنْ رَجُلٍ، قَالَ لاِمْرَأَتِهِ كُلُّ امْرَأَةٍ أَنْكِحُهَا عَلَيْكِ مَا عِشْتِ فَهِيَ عَلَىَّ كَظَهْرِ أُمِّي . فَقَالَ عُرْوَةُ بْنُ الزُّبَيْرِ يُجْزِئُهُ عَنْ ذَلِكَ عِتْقُ رَقَبَةٍ .

USC-MSA web (English) reference : Book 29, Hadith 23
Arabic reference : Book 29, Hadith 1180

ahya related to me from Malik that he asked Ibn Shihab about the dhihar of a slave. He said, "It is like the dhihar of a free man."

Malik said, "He meant that the same conditions were applied in both cases."
Malik said, "The dhihar of the slave is incumbent on him, and the fasting of the slave in the dhihar is two months. "
Malik said that there was no ila for a slave who pronounced a dhihar from his wife. That was because if he were to fast the kaffara for pronouncing a dhihar, the divorce of the ila would come to him before he had finished the fast.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنْ ظِهَارِ الْعَبْدِ، فَقَالَ نَحْوُ ظِهَارِ الْحُرِّ . قَالَ مَالِكٌ يُرِيدُ أَنَّهُ يَقَعُ عَلَيْهِ كَمَا يَقَعُ عَلَى الْحُرِّ . قَالَ مَالِكٌ وَظِهَارُ الْعَبْدِ عَلَيْهِ وَاجِبٌ وَصِيَامُ الْعَبْدِ فِي الظِّهَارِ شَهْرَانِ . قَالَ مَالِكٌ فِي الْعَبْدِ يَتَظَاهَرُ مِنِ امْرَأَتِهِ إِنَّهُ لاَ يَدْخُلُ عَلَيْهِ إِيلاَءٌ وَذَلِكَ أَنَّهُ لَوْ ذَهَبَ يَصُومُ صِيَامَ كَفَّارَةِ الْمُتَظَاهِرِ دَخَلَ عَلَيْهِ طَلاَقُ الإِيلاَءِ قَبْلَ أَنْ يَفْرُغَ مِنْ صِيَامِهِ .

USC-MSA web (English) reference : Book 29, Hadith 24
Arabic reference : Book 29, Hadith 1181

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman from al-Qasim ibn Muhammad that A'isha umm al-muminin, said, "There were three sunnas established in connection with Barira:

firstly was that when she was set free she was given her choice about her husband, secondly, the Messenger of Allah, may Allah bless him and grant him peace, said about her, 'The right of inheritance belongs to the person who has set a person free,' thirdly, the Messenger of Allah, may Allah bless him and grant him peace, came in and there was a pot with meat on the boil. Bread and condiments were brought to him from the stock of the house. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Didn't I see a pot with meat in it?' They said, 'Yes, Messenger of Allah. That is meat which was given as sadaqa for Barira, and you do not eat sadaqa.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'It is sadaqa for her, and it is a gift for us.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا قَالَتْ كَانَ فِي بَرِيرَةَ ثَلاَثُ سُنَنٍ فَكَانَتْ إِحْدَى السُّنَنِ الثَّلاَثِ أَنَّهَا أُعْتِقَتْ فَخُيِّرَتْ فِي زَوْجِهَا وَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " الْوَلاَءُ لِمَنْ أَعْتَقَ " . وَدَخَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَالْبُرْمَةُ تَفُورُ بِلَحْمٍ فَقُرِّبَ إِلَيْهِ خُبْزٌ وَأُدْمٌ مِنْ أُدْمِ الْبَيْتِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَلَمْ أَرَ بُرْمَةً فِيهَا لَحْمٌ " . فَقَالُوا بَلَى يَا رَسُولَ اللَّهِ وَلَكِنْ ذَلِكَ لَحْمٌ تُصُدِّقَ بِهِ عَلَى بَرِيرَةَ وَأَنْتَ لاَ تَأْكُلُ الصَّدَقَةَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " هُوَ عَلَيْهَا صَدَقَةٌ وَهُوَ لَنَا هَدِيَّةٌ " .

USC-MSA web (English) reference : Book 29, Hadith 25
Arabic reference : Book 29, Hadith 1182

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said that a female slave who was the wife of a slave and then was set free, had the right of choice as long as he did not have intercourse with her.

Malik said, "If her husband has intercourse with her and she claims that she did not know, she still has the right of choice. If she is suspect and one does not believe her claim of ignorance, then she has no choice after he has had intercourse with her."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ فِي الأَمَةِ تَكُونُ تَحْتَ الْعَبْدِ فَتَعْتِقُ إِنَّ الأَمَةَ لَهَا الْخِيَارُ مَا لَمْ يَمَسَّهَا . قَالَ مَالِكٌ وَإِنْ مَسَّهَا زَوْجُهَا فَزَعَمَتْ أَنَّهَا جَهِلَتْ أَنَّ لَهَا الْخِيَارَ فَإِنَّهَا تُتَّهَمُ وَلاَ تُصَدَّقُ بِمَا ادَّعَتْ مِنَ الْجَهَالَةِ وَلاَ خِيَارَ لَهَا بَعْدَ أَنْ يَمَسَّهَا .

USC-MSA web (English) reference : Book 29, Hadith 26
Arabic reference : Book 29, Hadith 1183

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr that a mawla of the tribe of Banu Adi called Zabra told him that she had been the wife of a slave when she was a slave-girl. Then she was set free and she sent a message to Hafsa, the wife of the Prophet, may Allah bless him and grant him peace. Hafsa called her and said, "I will tell you something., but I would prefer that you did not act upon it. You have authority over yourself as long as your husband does not have intercourse with you. If he has intercourse with you, you have no authority at all." Therefore she pronounced her divorce from him three times.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، أَنَّ مَوْلاَةً، لِبَنِي عَدِيٍّ يُقَالُ لَهَا زَبْرَاءُ أَخْبَرَتْهُ أَنَّهَا كَانَتْ تَحْتَ عَبْدٍ وَهِيَ أَمَةٌ يَوْمَئِذٍ فَعَتَقَتْ قَالَتْ فَأَرْسَلَتْ إِلَىَّ حَفْصَةُ زَوْجُ النَّبِيِّ صلى الله عليه وسلم فَدَعَتْنِي فَقَالَتْ إِنِّي مُخْبِرَتُكِ خَبَرًا وَلاَ أُحِبُّ أَنْ تَصْنَعِي شَيْئًا إِنَّ أَمْرَكِ بِيَدِكِ مَا لَمْ يَمْسَسْكِ زَوْجُكِ فَإِنْ مَسَّكِ فَلَيْسَ لَكِ مِنَ الأَمْرِ شَىْءٌ . قَالَتْ فَقُلْتُ هُوَ الطَّلاَقُ ثُمَّ الطَّلاَقُ ثُمَّ الطَّلاَقُ . فَفَارَقَتْهُ ثَلاَثًا .

USC-MSA web (English) reference : Book 29, Hadith 27
Arabic reference : Book 29, Hadith 1184

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab said that if a man married a woman, and he was insane or had a physical defect, she had the right of choice. If she wished she could stay, and if she wished she could separate from him.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ أَيُّمَا رَجُلٍ تَزَوَّجَ امْرَأَةً وَبِهِ جُنُونٌ أَوْ ضَرَرٌ فَإِنَّهَا تُخَيَّرُ فَإِنْ شَاءَتْ قَرَّتْ وَإِنْ شَاءَتْ فَارَقَتْ . قَالَ مَالِكٌ فِي الأَمَةِ تَكُونُ تَحْتَ الْعَبْدِ ثُمَّ تَعْتِقُ قَبْلَ أَنْ يَدْخُلَ بِهَا أَوْ يَمَسَّهَا إِنَّهَا إِنِ اخْتَارَتْ نَفْسَهَا فَلاَ صَدَاقَ لَهَا وَهِيَ تَطْلِيقَةٌ وَذَلِكَ الأَمْرُ عِنْدَنَا .

USC-MSA web (English) reference : Book 29, Hadith 28
Arabic reference : Book 29, Hadith 1185

Malik said that if a slave-girl, who was the wife of a slave, was set free before he had consummated the marriage, and she chose herself, then she had no bride-price and it was a pronouncement of divorce. That was what was done among them.

USC-MSA web (English) reference : Book 29, Hadith 29

Yahya related to me that Malik heard Ibn Shihab say, "When a man gives his wife the right of choice, and she chooses him, that is not divorce."

Malik added, "That is the best of what I have heard."
Malik said that if a woman who had been given the right of choice by her husband chose herself, she was divorced trebly. If her husband said, "But I only gave her the right of choice in one," he had none of that. That was the best of what he had heard.
Malik said, "If the man gives his wife the right of choice and she says, 'I accept one', and he says, 'I did not mean that, I have given the right of choice in all three together,' then if she only accepts one, she remains with him in her marriage, and that is not separation if Allah, the Exalted wills."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ سَمِعَهُ يَقُولُ إِذَا خَيَّرَ الرَّجُلُ امْرَأَتَهُ فَاخْتَارَتْهُ فَلَيْسَ ذَلِكَ بِطَلاَقٍ . قَالَ مَالِكٌ وَذَلِكَ أَحْسَنُ مَا سَمِعْتُ . قَالَ مَالِكٌ فِي الْمُخَيَّرَةِ إِذَا خَيَّرَهَا زَوْجُهَا فَاخْتَارَتْ نَفْسَهَا فَقَدْ طَلُقَتْ ثَلاَثًا وَإِنْ قَالَ زَوْجُهَا لَمْ أُخَيِّرْكِ إِلاَّ وَاحِدَةً فَلَيْسَ لَهُ ذَلِكَ . وَذَلِكَ أَحْسَنُ مَا سَمِعْتُهُ . قَالَ مَالِكٌ وَإِنْ خَيَّرَهَا فَقَالَتْ قَدْ قَبِلْتُ وَاحِدَةً وَقَالَ لَمْ أُرِدْ هَذَا وَإِنَّمَا خَيَّرْتُكِ فِي الثَّلاَثِ جَمِيعًا أَنَّهَا إِنْ لَمْ تَقْبَلْ إِلاَّ وَاحِدَةً أَقَامَتْ عِنْدَهُ عَلَى نِكَاحِهَا وَلَمْ يَكُنْ ذَلِكَ فِرَاقًا إِنْ شَاءَ اللَّهُ تَعَالَى .

USC-MSA web (English) reference : Book 29, Hadith 30
Arabic reference : Book 29, Hadith 1186

Yahya related. to me from Malik from Yahya ibn Said that Amra bint Abd ar-Rahman told him from Habiba bint Sahl al-Ansari that she had been the wife of Thabit ibn Qays ibn Shammas. The Messenger of Allah, may Allah bless him and grant him peace, went out for the dawn prayer, and found Habiba bint Sahl at his door in the darkness. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "Who is this?" She said, "I am Habiba bint Sahl, Messenger of Allah." He said, "What do you want?" She said, "That Thabit ibn Qays and I separate." When her husband, Thabit ibn Qays came, the Messenger of Allah, may Allah bless him and grant him peace, said to him, "This is Habiba bint Sahl. She mentioned what Allah willed that she mention." Habiba said, "Messenger of Allah, all that he has given me is with me!" The Messenger of Allah, may Allah bless him and grant him peace, said to Thabit ibn Qays, "Take it from her," and he took it from her, and she stayed in the house of her family.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّهَا أَخْبَرَتْهُ عَنْ حَبِيبَةَ بِنْتِ سَهْلٍ الأَنْصَارِيِّ، أَنَّهَا كَانَتْ تَحْتَ ثَابِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ وَأَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم خَرَجَ إِلَى الصُّبْحِ فَوَجَدَ حَبِيبَةَ بِنْتَ سَهْلٍ عِنْدَ بَابِهِ فِي الْغَلَسِ فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " مَنْ هَذِهِ " . فَقَالَتْ أَنَا حَبِيبَةُ بِنْتُ سَهْلٍ يَا رَسُولَ اللَّهِ . قَالَ " مَا شَأْنُكِ " . قَالَتْ لاَ أَنَا وَلاَ ثَابِتُ بْنُ قَيْسٍ . لِزَوْجِهَا فَلَمَّا جَاءَ زَوْجُهَا ثَابِتُ بْنُ قَيْسٍ قَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " هَذِهِ حَبِيبَةُ بِنْتُ سَهْلٍ قَدْ ذَكَرَتْ مَا شَاءَ اللَّهُ أَنْ تَذْكُرَ " . فَقَالَتْ حَبِيبَةُ يَا رَسُولَ اللَّهِ كُلُّ مَا أَعْطَانِي عِنْدِي . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم لِثَابِتِ بْنِ قَيْسٍ " خُذْ مِنْهَا " . فَأَخَذَ مِنْهَا وَجَلَسَتْ فِي بَيْتِ أَهْلِهَا .

USC-MSA web (English) reference : Book 29, Hadith 31
Arabic reference : Book 29, Hadith 1187

Yahya related to me from Malik from Nafi from a mawla of Safiyya bint Abi Ubayd that she gave all that she possessed to her husband as compensation for her divorce from him, and Abdullah ibn Umar did not disapprove of that.

Malik said that divorce was ratified for a woman who ransomed herself from her husband, when it was known that her husband was detrimental to her and was oppressive for her, and it was known that he wronged her, and he had to return her property to her. Malik added, "This is what I have heard, and it is what is done among us."

Malik said, "There is no harm if a woman ransoms herself from her husband for more than he gave her."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ مَوْلاَةٍ، لِصَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ . أَنَّهَا اخْتَلَعَتْ مِنْ زَوْجِهَا بِكُلِّ شَىْءٍ لَهَا فَلَمْ يُنْكِرْ ذَلِكَ عَبْدُ اللَّهِ بْنُ عُمَرَ . قَالَ مَالِكٌ فِي الْمُفْتَدِيَةِ الَّتِي تَفْتَدِي مِنْ زَوْجِهَا أَنَّهُ إِذَا عُلِمَ أَنَّ زَوْجَهَا أَضَرَّ بِهَا وَضَيَّقَ عَلَيْهَا وَعُلِمَ أَنَّهُ ظَالِمٌ لَهَا مَضَى الطَّلاَقُ وَرَدَّ عَلَيْهَا مَالَهَا . قَالَ فَهَذَا الَّذِي كُنْتُ أَسْمَعُ وَالَّذِي عَلَيْهِ أَمْرُ النَّاسِ عِنْدَنَا . قَالَ مَالِكٌ لاَ بَأْسَ بِأَنْ تَفْتَدِيَ الْمَرْأَةُ مِنْ زَوْجِهَا بِأَكْثَرَ مِمَّا أَعْطَاهَا .

USC-MSA web (English) reference : Book 29, Hadith 32
Arabic reference : Book 29, Hadith 1188

Yahya related to me from Malik from Nafi that Rubayyi bint Muawwidh ibn Afra came with her paternal uncle to Abdullah ibn Umar and told him that she had divorced her husband for a compensation in the time of Uthman ibn Affan, and he heard about it and did not disapprove. Abdullah ibn Umar said, "Her idda is the idda of a divorced woman."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ رُبَيِّعَ بِنْتَ مُعَوِّذِ بْنِ عَفْرَاءَ، جَاءَتْ هِيَ وَعَمُّهَا إِلَى عَبْدِ اللَّهِ بْنِ عُمَرَ فَأَخْبَرَتْهُ أَنَّهَا اخْتَلَعَتْ مِنْ زَوْجِهَا فِي زَمَانِ عُثْمَانَ بْنِ عَفَّانَ فَبَلَغَ ذَلِكَ عُثْمَانَ بْنَ عَفَّانَ فَلَمْ يُنْكِرْهُ . وَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ عِدَّتُهَا عِدَّةُ الْمُطَلَّقَةِ .

USC-MSA web (English) reference : Book 29, Hadith 33
Arabic reference : Book 29, Hadith 1189

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab and Sulayman ibn Yasar and Ibn Shihab all said that a woman who divorced for a compensation had the same idda as a divorced woman - three periods.

Malik said that a woman who ransomed herself could not return to her husband except by a new marriage. If someone married her and then separated from her before he had intercourse with her, there was no idda against her from the recent marriage, and she rested on her first idda.
Malik said, "That is the best that I have heard on the matter."
Malik said, "If, when a woman offers to compensate her husband, he divorces her straightaway, then that compensation is confirmed for him. If he makes no response, and then at a later date, does divorce her, he is not entitled to that compensation."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، وَابْنَ، شِهَابٍ كَانُوا يَقُولُونَ عِدَّةُ الْمُخْتَلِعَةِ مِثْلُ عِدَّةِ الْمُطَلَّقَةِ ثَلاَثَةُ قُرُوءٍ . قَالَ مَالِكٌ فِي الْمُفْتَدِيَةِ إِنَّهَا لاَ تَرْجِعُ إِلَى زَوْجِهَا إِلاَّ بِنِكَاحٍ جَدِيدٍ فَإِنْ هُوَ نَكَحَهَا فَفَارَقَهَا قَبْلَ أَنْ يَمَسَّهَا لَمْ يَكُنْ لَهُ عَلَيْهَا عِدَّةٌ مِنَ الطَّلاَقِ الآخَرِ وَتَبْنِي عَلَى عِدَّتِهَا الأُولَى . قَالَ مَالِكٌ وَهَذَا أَحْسَنُ مَا سَمِعْتُ فِي ذَلِكَ . قَالَ مَالِكٌ إِذَا افْتَدَتِ الْمَرْأَةُ مِنْ زَوْجِهَا بِشَىْءٍ عَلَى أَنْ يُطَلِّقَهَا فَطَلَّقَهَا طَلاَقًا مُتَتَابِعًا نَسَقًا فَذَلِكَ ثَابِتٌ عَلَيْهِ فَإِنْ كَانَ بَيْنَ ذَلِكَ صُمَاتٌ فَمَا أَتْبَعَهُ بَعْدَ الصُّمَاتِ فَلَيْسَ بِشَىْءٍ .

USC-MSA web (English) reference : Book 29, Hadith 33
Arabic reference : Book 29, Hadith 1190

Yahya related to me from Malik from Ibn Shihab that Sahl ibn Sad as-Saidi told him that Uwaymir al-Ajlani came to Asim ibn Adi al- Ansari and said to him, "Asim! What do you think a man who finds another man with his wife should do? Should he kill him and then be killed himself, or what should .he do? Asim! ask the Messenger of Allah, may Allah bless him and grant him peace, about that for me." Asim asked the Messenger of Allah, may Allah bless him and grant him peace, about it. The Messenger of Allah, may Allah bless him and grant him peace, was revolted by the questions and reproved them until what he heard from the Messenger of Allah, may Allah bless him and grant him peace. was intolerable for Asim. When Asim returned to his people, Uwaymir came to him and said, " Asim! what did the Messenger of Allah, may Allah bless him and grant him peace, say to you?" Asim said to Uwaymir, "You didn't bring me any good. The Messenger of Allah, may Allah bless him and grant him peace, was revolted by the question which I asked him." Uwaymir said, "By Allah! I will not stop until I ask him about it!" Uwaymir stood up and went to the Messenger of Allah, may Allah bless him and grant him peace, in the middle of the people and said, "Messenger of Allah! What do you think a man who finds another man with his wife should do? Should he kill him and then be killed himself, or what should he do?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Something has been sent down about you and your wife, so go and bring her."

Sahl continued, "They mutually cursed one another in the presence of the Messenger, may Allah bless him and grant him peace, and I was present with the people. When they finished cursing each other, Uwaymir said, 'I shall have lied about her, Messenger of Allah, if I keep her,' and pronounced the divorce three times before the Messenger of Allah, may Allah bless him and grant him peace, ordered him to do it."
Malik said that Ibn Shihab said, "That was how the sunna of a couple mutually cursing each other was established (lian)."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ سَهْلَ بْنَ سَعْدٍ السَّاعِدِيَّ، أَخْبَرَهُ أَنَّ عُوَيْمِرًا الْعَجْلاَنِيَّ جَاءَ إِلَى عَاصِمِ بْنِ عَدِيٍّ الأَنْصَارِيِّ فَقَالَ لَهُ يَا عَاصِمُ أَرَأَيْتَ رَجُلاً وَجَدَ مَعَ امْرَأَتِهِ رَجُلاً أَيَقْتُلُهُ فَتَقْتُلُونَهُ أَمْ كَيْفَ يَفْعَلُ سَلْ لِي يَا عَاصِمُ عَنْ ذَلِكَ رَسُولَ اللَّهِ صلى الله عليه وسلم . فَسَأَلَ عَاصِمٌ رَسُولَ اللَّهِ صلى الله عليه وسلم عَنْ ذَلِكَ فَكَرِهَ رَسُولُ اللَّهِ صلى الله عليه وسلم الْمَسَائِلَ وَعَابَهَا حَتَّى كَبُرَ عَلَى عَاصِمٍ مَا سَمِعَ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم فَلَمَّا رَجَعَ عَاصِمٌ إِلَى أَهْلِهِ جَاءَهُ عُوَيْمِرٌ فَقَالَ يَا عَاصِمُ مَاذَا قَالَ لَكَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقَالَ عَاصِمٌ لِعُوَيْمِرٍ لَمْ تَأْتِنِي بِخَيْرٍ قَدْ كَرِهَ رَسُولُ اللَّهِ صلى الله عليه وسلم الْمَسْأَلَةَ الَّتِي سَأَلْتُهُ عَنْهَا . فَقَالَ عُوَيْمِرٌ وَاللَّهِ لاَ أَنْتَهِي حَتَّى أَسْأَلَهُ عَنْهَا . فَأَقْبَلَ عُوَيْمِرٌ حَتَّى أَتَى رَسُولَ اللَّهِ صلى الله عليه وسلم وَسْطَ النَّاسِ فَقَالَ يَا رَسُولَ اللَّهِ أَرَأَيْتَ رَجُلاً وَجَدَ مَعَ امْرَأَتِهِ رَجُلاً أَيَقْتُلُهُ فَتَقْتُلُونَهُ أَمْ كَيْفَ يَفْعَلُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " قَدْ أُنْزِلَ فِيكَ وَفِي صَاحِبَتِكَ فَاذْهَبْ فَأْتِ بِهَا " . قَالَ سَهْلٌ فَتَلاَعَنَا وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللَّهِ صلى الله عليه وسلم فَلَمَّا فَرَغَا مِنْ تَلاَعُنِهِمَا قَالَ عُوَيْمِرٌ كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللَّهِ إِنْ أَمْسَكْتُهَا . فَطَلَّقَهَا ثَلاَثًا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللَّهِ . وَقَالَ مَالِكٌ قَالَ ابْنُ شِهَابٍ فَكَانَتْ تِلْكَ بَعْدُ سُنَّةَ الْمُتَلاَعِنَيْنِ .

USC-MSA web (English) reference : Book 29, Hadith 34
Arabic reference : Book 29, Hadith 1191

Yahya related to me from Malik from Nafic from Abdullah ibn Umar that a man cursed his wife in the time of the Messenger of Allah, may Allah bless him and grant him peace, and disowned her child. The Messenger of Allah, may Allah bless him and grant him peace, separated them and gave the child to the woman.

Malik said, "Allah the Blessed, the Exalted, said, 'The testimony of men who accuse their wives but do not have any witnesses except themselves is to testify by Allah four times that he is being truthful, and a fifth time, that the curse of Allah will be upon him, if he should be a liar. She will avoid punishment if she testifies by Allah four times that he

is a liar, and a fifth time, that the wrath of Allah shall be upon her, if he should be telling the truth. ' "(Sura 24 ayat 6).
Malik said, "The sunna with us is that those who curse each other are never to be remarried. If the man calls himself a liar, (i.e. takes back his accusation), he is flogged with the hadd-punishment, and the child is given to him, and his wife can never return to him. There is no doubt or dispute about this sunna among us. "
Malik said, "If a man separates from his wife by an irrevocable divorce by which he cannot return to her, and then he denies the paternity of the child she is carrying, whilst she claims that he is the father, and it is possible by the timing, that he be so, he must curse her, and the child is not recognised as his."
Malik said, "That is what is done among us, and it is what I have heard from the people of knowledge."
Malik said that a man who accused his wife after he had divorced her trebly while she was pregnant, and he had at first accepted being the father but then claimed that he had seen her committing adultery before he separated from her, was flogged with the hadd-punishment, and did not curse her.
If he denied the paternity of her child after he had divorced her trebly, and he had not previously accepted it, then he cursed her.
Malik said, "This is what I have heard."
Malik said, "The slave is in the same position as the free man as regards making accusations and invoking mutual curses (lian). He acts in the lian as the free man acts although there is no hadd applied for slandering a female-slave."
Malik said, "The muslim slave-girl and the christian and jewish free woman also do lian when a free muslim marries one of them and has intercourse with her. That is because Allah - may He be blessed and Exalted, said in His Book, 'As for those who accuse their wives,' and they are their wives. This is what is done among us.
Malik said that a man who did the lian with his wife, and then stopped and called himself a liar after one or two oaths and he had not cursed himself in the fifth one, had to be flogged with the hadd-punishment, but they did not have to be separated.
Malik said that if a man divorced his wife and then after three months the woman said, "I am pregnant," and he denied paternity, then he had to do lian.
Malik said that the husband of a female slave who pronounced the lian on her and then bought her, was not to have intercourse with her, even if he owned her. The sunna which had been handed down about a couple who mutually cursed each other in the lian was that they were never to return to each other.
Malik said that when a man pronounced the lian against his wife before he had consummated the marriage, she only had half of the bride price.
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَجُلاً، لاَعَنَ امْرَأَتَهُ فِي زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم وَانْتَفَلَ مِنْ وَلَدِهَا فَفَرَّقَ رَسُولُ اللَّهِ صلى الله عليه وسلم بَيْنَهُمَا وَأَلْحَقَ الْوَلَدَ بِالْمَرْأَةِ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 35
Arabic reference : Book 29, Hadith 1192

Yaha related to me from Malik that he had heard that Urwa ibn az- Zubayr said that if the child of the woman against whom lian had been pronounced or the child of fornication, died, his mother inherited from him her right in the Book of Allah the Exalted, and his maternal half-brothers had their rights. The rest was inherited by the owners of his mother's wala' if she was a freed slave. If she was an ordinary free woman, she inherited her right, his maternal brothers inherited their rights, and the rest went to the muslims.

Malik said,"I heard the same as that from Sulayman ibn Yasar, and it is what I saw the people of knowledge in our city doing."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُرْوَةَ بْنَ الزُّبَيْرِ، كَانَ يَقُولُ فِي وَلَدِ الْمُلاَعَنَةِ وَوَلَدِ الزِّنَا أَنَّهُ إِذَا مَاتَ وَرِثَتْهُ أُمُّهُ حَقَّهَا فِي كِتَابِ اللَّهِ تَعَالَى وَإِخْوَتُهُ لأُمِّهِ حُقُوقَهُمْ وَيَرِثُ الْبَقِيَّةَ مَوَالِي أُمِّهِ إِنْ كَانَتْ مَوْلاَةً وَإِنْ كَانَتْ عَرَبِيَّةً وَرِثَتْ حَقَّهَا وَوَرِثَ إِخْوَتُهُ لأُمِّهِ حُقُوقَهُمْ وَكَانَ مَا بَقِيَ لِلْمُسْلِمِينَ .

قَالَ مَالِكٌ وَبَلَغَنِي عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، مِثْلُ ذَلِكَ . وَعَلَى ذَلِكَ أَدْرَكْتُ أَهْلَ الْعِلْمِ بِبَلَدِنَا .

USC-MSA web (English) reference : Book 29, Hadith 36
Arabic reference : Book 29, Hadith 1193

Yahya related to me from Malik from Ibn Shihab from Muhammad ibn Abd ar-Rahman ibn Thawban that Muhammad ibn Iyas ibn al-Bukayr said, "A man divorced his wife three times before he had consummated the marriage, and then it seemed good to him to marry her. Therefore, he wanted an opinion, and I went with him to ask Abdullah ibn Abbas and Abu Hurayra on his behalf about it, and they said, 'We do not think that you should marry her until she has married another husband.' He protested that his divorcing her had been only once. Ibn Abbas said, 'You threw away what you had of blessing.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ، عَنْ مُحَمَّدِ بْنِ إِيَاسِ بْنِ الْبُكَيْرِ، أَنَّهُ قَالَ طَلَّقَ رَجُلٌ امْرَأَتَهُ ثَلاَثًا قَبْلَ أَنْ يَدْخُلَ بِهَا ثُمَّ بَدَا لَهُ أَنْ يَنْكِحَهَا فَجَاءَ يَسْتَفْتِي فَذَهَبْتُ مَعَهُ أَسْأَلُ لَهُ فَسَأَلَ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ وَأَبَا هُرَيْرَةَ عَنْ ذَلِكَ فَقَالاَ لاَ نَرَى أَنْ تَنْكِحَهَا حَتَّى تَنْكِحَ زَوْجًا غَيْرَكَ . قَالَ فَإِنَّمَا طَلاَقِي إِيَّاهَا وَاحِدَةٌ . قَالَ ابْنُ عَبَّاسٍ إِنَّكَ أَرْسَلْتَ مِنْ يَدِكَ مَا كَانَ لَكَ مِنْ فَضْلٍ .

USC-MSA web (English) reference : Book 29, Hadith 37
Arabic reference : Book 29, Hadith 1195

Yahya related to me from Malik from Yahya ibn Said from Bukayr ibn Abdullah al-Ashajj from an-Numan ibn Abi Ayyash al Ansari from Ata ibn Yasar that a man came and asked Abdullah ibn Amr ibn al-As about a man who divorced his wife three times before he had had intercourse with her Ata said, "The divorce of the virgin is one. Abdullah ibn Amr ibn al-As said to me, 'You say one pronouncement separates her and three makes her haram until she has married another husband.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الأَشَجِّ، عَنِ النُّعْمَانِ بْنِ أَبِي عَيَّاشٍ الأَنْصَارِيِّ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّهُ قَالَ جَاءَ رَجُلٌ يَسْأَلُ عَبْدَ اللَّهِ بْنَ عَمْرِو بْنِ الْعَاصِ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلاَثًا قَبْلَ أَنْ يَمَسَّهَا قَالَ عَطَاءٌ فَقُلْتُ إِنَّمَا طَلاَقُ الْبِكْرِ وَاحِدَةٌ . فَقَالَ لِي عَبْدُ اللَّهِ بْنُ عَمْرِو بْنِ الْعَاصِ إِنَّمَا أَنْتَ قَاصٌّ الْوَاحِدَةُ تُبِينُهَا وَالثَّلاَثَةُ تُحَرِّمُهَا حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ .

USC-MSA web (English) reference : Book 29, Hadith 38
Arabic reference : Book 29, Hadith 1196

Yahya related to me from Malik from Yahya ibn Said that Bukayr ibn Abdullah al-Ashajj informed him that Muawiya ibn Abi Ayyash al- Ansari told him that he was sitting with Abdullah ibn az-Zubayr and Asim ibn Umar ibn al-Khattab when Muhammad ibn Iyas ibn al-Bukayr came up to them and said, "A man from the desert has divorced his wife three times before consummating the marriage, what do you think?" Abdullah ibn az-Zubayr said "This is

something about which we have no statement. Go to Abdullah ibn Abbas and Abu Hurayra. I left them with A'isha. Ask them and then come and tell us." He went and asked them. Ibn Abbas said to Abu Hurayra, "Give an opinion, Abu Hurayra! A difficult one has come to you." Abu Hurayra said, "One pronouncement separates her and three makes her haram until she has married another husband." Ibn Abbas said the like of that.

Malik said, "That is what is done among us, and when a man marries a woman who has been married before, and he has not had intercourse with her, she is treated as a virgin - one pronouncement separates her and three make her haram until she has married another husband."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الأَشَجِّ، أَنَّهُ أَخْبَرَهُ عَنْ مُعَاوِيَةَ بْنِ أَبِي عَيَّاشٍ الأَنْصَارِيِّ، أَنَّهُ كَانَ جَالِسًا مَعَ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ وَعَاصِمِ بْنِ عُمَرَ بْنِ الْخَطَّابِ قَالَ فَجَاءَهُمَا مُحَمَّدُ بْنُ إِيَاسِ بْنِ الْبُكَيْرِ فَقَالَ إِنَّ رَجُلاً مِنْ أَهْلِ الْبَادِيَةِ طَلَّقَ امْرَأَتَهُ ثَلاَثًا قَبْلَ أَنْ يَدْخُلَ بِهَا فَمَاذَا تَرَيَانِ فَقَالَ عَبْدُ اللَّهِ بْنُ الزُّبَيْرِ إِنَّ هَذَا الأَمْرَ مَا لَنَا فِيهِ قَوْلٌ فَاذْهَبْ إِلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ فَإِنِّي تَرَكْتُهُمَا عِنْدَ عَائِشَةَ فَسَلْهُمَا ثُمَّ ائْتِنَا فَأَخْبِرْنَا . فَذَهَبَ فَسَأَلَهُمَا فَقَالَ ابْنُ عَبَّاسٍ لأَبِي هُرَيْرَةَ أَفْتِهِ يَا أَبَا هُرَيْرَةَ فَقَدْ جَاءَتْكَ مُعْضِلَةٌ . فَقَالَ أَبُو هُرَيْرَةَ الْوَاحِدَةُ تُبِينُهَا وَالثَّلاَثَةُ تُحَرِّمُهَا حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ . وَقَالَ ابْنُ عَبَّاسٍ مِثْلَ ذَلِكَ . قَالَ مَالِكٌ وَعَلَى ذَلِكَ الأَمْرُ عِنْدَنَا وَالثَّيِّبُ إِذَا مَلَكَهَا الرَّجُلُ فَلَمْ يَدْخُلْ بِهَا إِنَّهَا تَجْرِي مَجْرَى الْبِكْرِ الْوَاحِدَةُ تُبِينُهَا وَالثَّلاَثُ تُحَرِّمُهَا حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ .

USC-MSA web (English) reference : Book 29, Hadith 38
Arabic reference : Book 29, Hadith 1197

Yahya related to me from Malik from Ibn Shihab that Talha ibn Abdullah ibn Awf said, and he knew that better than them, from Abu Salama ibn Abd ar-Rahman ibn Awf that Abd ar-Rahman ibn Awf divorced his wife irrevocably while he was terminally ill, and Uthman ibn Affan made her an heir after the end of her idda.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ بْنِ عَوْفٍ، - قَالَ وَكَانَ أَعْلَمَهُمْ بِذَلِكَ - وَعَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ، طَلَّقَ امْرَأَتَهُ الْبَتَّةَ وَهُوَ مَرِيضٌ فَوَرَّثَهَا عُثْمَانُ بْنُ عَفَّانَ مِنْهُ بَعْدَ انْقِضَاءِ عِدَّتِهَا .

USC-MSA web (English) reference : Book 29, Hadith 40
Arabic reference : Book 29, Hadith 1198

Yahya related to me from Malik from Abdullah ibn al-Fadl from al- Araj that Uthman ibn Affan made the wives of ibn Mukmil inherit from him, and he had divorced them while he was terminally ill.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ، عَنِ الأَعْرَجِ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، وَرَّثَ نِسَاءَ ابْنِ مُكْمِلٍ مِنْهُ وَكَانَ طَلَّقَهُنَّ وَهُوَ مَرِيضٌ .

USC-MSA web (English) reference : Book 29, Hadith 41
Arabic reference : Book 29, Hadith 1199

Yahya related to me from Malik that he heard Rabia ibn Abi Abd ar-Rahman say, "I heard that the wife of Abd ar-Rahman ibn Awf asked him to divorce her. He said, 'When you have menstruated and are pure, then come to me.' She did not menstruate until Abd ar-Rahman ibn Awf was ill. When she was purified, she told him and he divorced

her irrevocably or made a pronouncement of divorce which was all that he had left over her Abd arRahman ibn Awf was terminally ill at the time, so Uthman ibn Affan made her one of the heirs after the end of her idda."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَمِعَ رَبِيعَةَ بْنَ أَبِي عَبْدِ الرَّحْمَنِ، يَقُولُ بَلَغَنِي أَنَّ امْرَأَةً، عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ سَأَلَتْهُ أَنْ يُطَلِّقَهَا فَقَالَ إِذَا حِضْتِ ثُمَّ طَهُرْتِ فَآذِنِينِي فَلَمْ تَحِضْ حَتَّى مَرِضَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ فَلَمَّا طَهُرَتْ آذَنَتْهُ فَطَلَّقَهَا الْبَتَّةَ أَوْ تَطْلِيقَةً لَمْ يَكُنْ بَقِيَ لَهُ عَلَيْهَا مِنَ الطَّلاَقِ غَيْرُهَا وَعَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ يَوْمَئِذٍ مَرِيضٌ فَوَرَّثَهَا عُثْمَانُ بْنُ عَفَّانَ مِنْهُ بَعْدَ انْقِضَاءِ عِدَّتِهَا ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 42
Arabic reference : Book 29, Hadith 1200

Yahya related to me from Malik from Yahya ibn Said that Muhammad ibn Yahya ibn Habban said, "My grandfather Habban had two wives, one from the Hashimites and one from the Ansars. He divorced the Ansariyya while she was nursing, and a year passed and he died and she had still not yet menstruated. She said, 'I inherit from him. I have not menstruated yet.' The wives quarrelled and went to Uthman ibn Affan. He decided that she did inherit, and the Hashimiyya rebuked Uthman. He said, 'This is the practice of the son of your paternal uncle. He pointed this out to us.' He meant Ali ibn Abi Talib."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، قَالَ كَانَتْ عِنْدَ جَدِّي حَبَّانَ امْرَأَتَانِ هَاشِمِيَّةٌ وَأَنْصَارِيَّةٌ فَطَلَّقَ الأَنْصَارِيَّةَ وَهِيَ تُرْضِعُ فَمَرَّتْ بِهَا سَنَةٌ ثُمَّ هَلَكَ عَنْهَا وَلَمْ تَحِضْ فَقَالَتْ أَنَا أَرِثُهُ لَمْ أَحِضْ فَاخْتَصَمَتَا إِلَى عُثْمَانَ بْنِ عَفَّانَ فَقَضَى لَهَا بِالْمِيرَاثِ فَلاَمَتِ الْهَاشِمِيَّةُ عُثْمَانَ فَقَالَ هَذَا عَمَلُ ابْنِ عَمِّكِ هُوَ أَشَارَ عَلَيْنَا بِهَذَا يَعْنِي عَلِيَّ بْنَ أَبِي طَالِبٍ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 43
Arabic reference : Book 29, Hadith 1201

Yahya related to me from Malik that he had heard Ibn Shihab say, "When a man who is terminally ill divorces his wife three times, she inherits from him."

Malik said, "If he divorces her while he is terminally ill before he has consummated the marriage, she has half of the bride-price and inherits, and she does not have to do an idda. If he consummated the marriage, she has all the dowry and inherits. The virgin and the previously married woman are the same in this situation according to us."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَمِعَ ابْنَ شِهَابٍ، يَقُولُ إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ ثَلاَثًا وَهُوَ مَرِيضٌ فَإِنَّهَا تَرِثُهُ ‏.‏ قَالَ مَالِكٌ وَإِنْ طَلَّقَهَا وَهُوَ مَرِيضٌ قَبْلَ أَنْ يَدْخُلَ بِهَا فَلَهَا نِصْفُ الصَّدَاقِ وَلَهَا الْمِيرَاثُ وَلاَ عِدَّةَ عَلَيْهَا وَإِنْ دَخَلَ بِهَا ثُمَّ طَلَّقَهَا فَلَهَا الْمَهْرُ كُلُّهُ وَالْمِيرَاثُ الْبِكْرُ وَالثَّيِّبُ فِي هَذَا عِنْدَنَا سَوَاءٌ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 44
Arabic reference : Book 29, Hadith 1202

Yahya related to me from Malik that he had heard that Abd ar- Rahman ibn Awf divorced his wife, and gave her compensation in the form of a slave-girl.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ، طَلَّقَ امْرَأَةً لَهُ فَمَتَّعَ بِوَلِيدَةٍ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 45
Arabic reference : Book 29, Hadith 1203

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "Every divorced woman has compensation except for the one who is divorced and is allocated a bride-price and has not been touched. She has half of what was allocated to her."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ لِكُلِّ مُطَلَّقَةٍ مُتْعَةٌ إِلاَّ الَّتِي تُطَلَّقُ وَقَدْ فُرِضَ لَهَا صَدَاقٌ وَلَمْ تُمَسَّ فَحَسْبُهَا نِصْفُ مَا فُرِضَ لَهَا .

USC-MSA web (English) reference : Book 29, Hadith 45
Arabic reference : Book 29, Hadith 1204

Yahya related to me from Malik that Ibn Shihab said, "Every divorced woman has compensation."

Malik said, "I have also heard the same as that from al-Qasim ibn Muhammad."
Malik said, "There is no fixed limit among us as to how small or large the compensation is."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ لِكُلِّ مُطَلَّقَةٍ مُتْعَةٌ .

قَالَ مَالِكٌ وَبَلَغَنِي عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، مِثْلُ ذَلِكَ . قَالَ مَالِكٌ لَيْسَ لِلْمُتْعَةِ عِنْدَنَا حَدٌّ مَعْرُوفٌ فِي قَلِيلِهَا وَلاَ كَثِيرِهَا .

USC-MSA web (English) reference : Book 29, Hadith 46
Arabic reference : Book 29, Hadith 1205

Yahya related to me from Malik from Abu'z-Zinad from Sulayman ibn Yasar that Nufay, a mukatab of Umm Salama the wife of the Prophet, may Allah bless him and grant him peace, or her slave, had a free woman as a wife. He divorced her twice, and then he wanted to return to her. The wives of the Prophet, may Allah bless him and grant him peace, ordered him to go to Uthman ibn Affan to ask him about it. He found him at ad-Daraj with Zayd ibn Thabit. He asked them, and they both anticipated him and said, "She is haram for you. She is haram for you."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ نُفَيْعًا، مُكَاتَبًا كَانَ لأُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَوْ عَبْدًا لَهَا كَانَتْ تَحْتَهُ امْرَأَةٌ حُرَّةٌ فَطَلَّقَهَا اثْنَتَيْنِ ثُمَّ أَرَادَ أَنْ يُرَاجِعَهَا فَأَمَرَهُ أَزْوَاجُ النَّبِيِّ صلى الله عليه وسلم أَنْ يَأْتِيَ عُثْمَانَ بْنَ عَفَّانَ فَيَسْأَلَهُ عَنْ ذَلِكَ فَلَقِيَهُ عِنْدَ الدَّرَجِ آخِذًا بِيَدِ زَيْدِ بْنِ ثَابِتٍ فَسَأَلَهُمَا فَابْتَدَرَاهُ جَمِيعًا فَقَالاَ حَرُمَتْ عَلَيْكَ حَرُمَتْ عَلَيْكَ .

USC-MSA web (English) reference : Book 29, Hadith 47
Arabic reference : Book 29, Hadith 1207

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab that Nufay, a mukatab of Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, divorced his free wife twice, so he asked Uthman ibn Affan for an opinion, and he said, "She is haram for you."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ نُفَيْعًا، مُكَاتَبًا كَانَ لأُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم طَلَّقَ امْرَأَةً حُرَّةً تَطْلِيقَتَيْنِ فَاسْتَفْتَى عُثْمَانَ بْنَ عَفَّانَ فَقَالَ حَرُمَتْ عَلَيْكَ .

USC-MSA web (English) reference : Book 29, Hadith 48
Arabic reference : Book 29, Hadith 1208

Yahya related to me from Malik from Abdu Rabbih ibn Said from Muhammad ibn Ibrahim ibn al-Harith at-Taymi that Nufay, a mukatab of Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, asked

Zayd ibn Thabit for an opinion. He said, "I have divorced my free wife twice." Zayd ibn Thabit said, "She is haram for you."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ رَبِّهِ بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، أَنَّ نُفَيْعًا، مُكَاتَبًا كَانَ لأُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم اسْتَفْتَى زَيْدَ بْنَ ثَابِتٍ فَقَالَ إِنِّي طَلَّقْتُ امْرَأَةً حُرَّةً تَطْلِيقَتَيْنِ . فَقَالَ زَيْدُ بْنُ ثَابِتٍ حَرُمَتْ عَلَيْكَ .

USC-MSA web (English) reference : Book 29, Hadith 49
Arabic reference : Book 29, Hadith 1209

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "When the slave divorces his wife twice, she is haram for him until she has married another husband, whether she is free or a slave. The idda of a free woman is three menstrual periods, and the idda of a slave-girl is two periods.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ إِذَا طَلَّقَ الْعَبْدُ امْرَأَتَهُ تَطْلِيقَتَيْنِ فَقَدْ حَرُمَتْ عَلَيْهِ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ حُرَّةً كَانَتْ أَوْ أَمَةً وَعِدَّةُ الْحُرَّةِ ثَلاَثُ حِيَضٍ وَعِدَّةُ الأَمَةِ حَيْضَتَانِ .

USC-MSA web (English) reference : Book 29, Hadith 50
Arabic reference : Book 29, Hadith 1210

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "If a man gives his slave permission to marry, the divorce is in the hand of the slave, and nobody else has any power over his divorce. Nothing is held against a man who takes the slave-girl of his male slave or the slave-girl of his female-slave."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ مَنْ أَذِنَ لِعَبْدِهِ أَنْ يَنْكِحَ فَالطَّلاَقُ بِيَدِ الْعَبْدِ لَيْسَ بِيَدِ غَيْرِهِ مِنْ طَلاَقِهِ شَىْءٌ فَأَمَّا أَنْ يَأْخُذَ الرَّجُلُ أَمَةَ غُلاَمِهِ أَوْ أَمَةَ وَلِيدَتِهِ فَلاَ جُنَاحَ عَلَيْهِ .

USC-MSA web (English) reference : Book 29, Hadith 51
Arabic reference : Book 29, Hadith 1211

Malik said, "Neither a free man nor a slave who divorces a slave- girl nor a slave who divorces a free woman, in an irrevocable divorce, is obliged to pay maintenance even if she is pregnant, and he cannot return to her."

Malik said, "A free man is not obliged to pay for the suckling of his son when he is a slave of other people, nor is a slave obliged to spend his money for what his master owns except with the permission of his master."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ أَيُّمَا امْرَأَةٍ فَقَدَتْ زَوْجَهَا فَلَمْ تَدْرِ أَيْنَ هُوَ فَإِنَّهَا تَنْتَظِرُ أَرْبَعَ سِنِينَ ثُمَّ تَعْتَدُّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا ثُمَّ تَحِلُّ . قَالَ مَالِكٌ وَإِنْ تَزَوَّجَتْ بَعْدَ انْقِضَاءِ عِدَّتِهَا فَدَخَلَ بِهَا زَوْجُهَا أَوْ لَمْ يَدْخُلْ بِهَا فَلاَ سَبِيلَ لِزَوْجِهَا الأَوَّلِ إِلَيْهَا . قَالَ مَالِكٌ وَذَلِكَ الأَمْرُ عِنْدَنَا وَإِنْ أَدْرَكَهَا زَوْجُهَا قَبْلَ أَنْ تَتَزَوَّجَ فَهُوَ أَحَقُّ بِهَا . قَالَ مَالِكٌ وَأَدْرَكْتُ النَّاسَ يُنْكِرُونَ الَّذِي قَالَ بَعْضُ النَّاسِ عَلَى عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَالَ يُخَيَّرُ زَوْجُهَا الأَوَّلُ إِذَا جَاءَ فِي صَدَاقِهَا أَوْ فِي امْرَأَتِهِ .

USC-MSA web (English) reference : Book 29, Hadith 51
Arabic reference : Book 29, Hadith 1212

Yahya related to me from Malik from Yahya ibn Said from Said ibn al-Musayyab that Umar ibn al-Khattab said, "The woman who loses her husband and does not know where he is, waits for four years, then she does idda for four months, and then she is free to marry."

Malik said, "If she marries after her idda is over, regardless of whether the new husband has consummated the marriage or not, her first husband has no means of access to her."
Malik said, "That is what is done among us and if her husband reaches her before she has remarried, he is more entitled to her."
Malik said that he had seen people disapproving of someone who said that one of the people (of knowledge) attributed to Umar ibn al-Khattab that he said, "Her first husband chooses when he comes either her bride-price or his wife."
Malik said, "I have heard that Umar ibn al-Khattab, speaking about a woman whose husband divorced her while he was absent from her, and then he took her back and the news of his taking her back had not reached her, while the news of his divorcing her had, and so she had married again, said, 'Her first husband who divorced her has no means of access to her whether or not the new husband has consummated the marriage.' "
Malik said, "This is what I like the best of what I heard about the missing man."
قَالَ مَالِكٌ وَبَلَغَنِي أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ فِي الْمَرْأَةِ يُطَلِّقُهَا زَوْجُهَا وَهُوَ غَائِبٌ عَنْهَا ثُمَّ يُرَاجِعُهَا فَلاَ يَبْلُغُهَا رَجْعَتُهُ وَقَدْ بَلَغَهَا طَلاَقُهُ إِيَّاهَا فَتَزَوَّجَتْ أَنَّهُ إِنْ دَخَلَ بِهَا زَوْجُهَا الآخَرُ أَوْ لَمْ يَدْخُلْ بِهَا فَلاَ سَبِيلَ لِزَوْجِهَا الأَوَّلِ الَّذِي كَانَ طَلَّقَهَا إِلَيْهَا . قَالَ مَالِكٌ وَهَذَا أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي هَذَا وَفِي الْمَفْقُودِ .

USC-MSA web (English) reference : Book 29, Hadith 52
Arabic reference : Book 29, Hadith 1213

Yahya related to me from Malik from Nafi that Abdullah ibn Umar divorced his wife while she was menstruating in the time of the Messenger of Allah, may Allah bless him and grant him peace, Umar ibn al-Khattab asked the Messenger of Allah, may Allah bless him and grant him peace, about it. The Messenger of Allah, may Allah bless him and grant him peace, said, "Go and tell him to take her back and keep her until she is purified and then has a period and then is purified. Then if he wishes, he an keep her, and if he wishes he should divorce her before he has intercourse with her. That is the idda which Allah has commanded for women who are divorced."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَى عَهْدِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَسَأَلَ عُمَرُ بْنُ الْخَطَّابِ رَسُولَ اللَّهِ صلى الله عليه وسلم عَنْ ذَلِكَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مُرْهُ فَلْيُرَاجِعْهَا ثُمَّ يُمْسِكْهَا حَتَّى تَطْهُرَ ثُمَّ تَحِيضَ ثُمَّ تَطْهُرَ ثُمَّ إِنْ شَاءَ أَمْسَكَ بَعْدُ وَإِنْ شَاءَ طَلَّقَ قَبْلَ أَنْ يَمَسَّ فَتِلْكَ الْعِدَّةُ الَّتِي أَمَرَ اللَّهُ أَنْ يُطَلَّقَ لَهَا النِّسَاءُ " .

USC-MSA web (English) reference : Book 29, Hadith 53
Arabic reference : Book 29, Hadith 1214

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr from A'isha, umm al-muminin, that she took Hafsa ibn Abd ar- Rahman ibn Abi Bakr as-Siddiq into her house when she had entered the third period of her idda. Ibn Shihab said, "That was mentioned to Amra bint Abd ar-Rahman, and she said that Urwa had spoken the truth and people had argued with A'isha about it. They said that Allah, the Blessed, the Exalted, said in His Book, 'Three quru.' A'isha said, 'You spoke the truth. Do you know what quru are? Quru are times of becoming pure after menstruation .' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا انْتَقَلَتْ حَفْصَةَ بِنْتَ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ حِينَ دَخَلَتْ فِي الدَّمِ مِنَ الْحَيْضَةِ الثَّالِثَةِ . قَالَ ابْنُ شِهَابٍ فَذُكِرَ ذَلِكَ لِعَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ فَقَالَتْ صَدَقَ عُرْوَةُ وَقَدْ جَادَلَهَا فِي ذَلِكَ نَاسٌ فَقَالُوا إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ فِي كِتَابِهِ {ثَلاَثَةَ قُرُوءٍ} فَقَالَتْ عَائِشَةُ صَدَقْتُمْ تَدْرُونَ مَا الأَقْرَاءُ إِنَّمَا الأَقْرَاءُ الأَطْهَارُ .

USC-MSA web (English) reference : Book 29, Hadith 54
Arabic reference : Book 29, Hadith 1215

Yahya related to me from Malik that Ibn Shihab said that he heard Abu Bakr ibn Abd ar-Rahman say, "I have never seen any of our fuqaha who did not say that this was what the statement of A'isha meant."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ سَمِعْتُ أَبَا بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ، يَقُولُ مَا أَدْرَكْتُ أَحَدًا مِنْ فُقَهَائِنَا إِلاَّ وَهُوَ يَقُولُ هَذَا . يُرِيدُ قَوْلَ عَائِشَةَ .

USC-MSA web (English) reference : Book 29, Hadith 55
Arabic reference : Book 29, Hadith 1216

Yahya related to me from Malik from Nafi and Zayd ibn Aslam from Sulayman ibn Yasar that al-Ahwas died in Syria when his wife had begun her third menstrual period after he had divorced her. Muawiya ibn Abi Sufyan wrote and asked Zayd ibn Thabit about that. Zayd wrote to him, "When she began her third period, she was free from him and he was free from her, and he does not inherit from her nor she from him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، وَزَيْدِ بْنِ أَسْلَمَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ الأَحْوَصَ، هَلَكَ بِالشَّامِ حِينَ دَخَلَتِ امْرَأَتُهُ فِي الدَّمِ مِنَ الْحَيْضَةِ الثَّالِثَةِ وَقَدْ كَانَ طَلَّقَهَا فَكَتَبَ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ إِلَى زَيْدِ بْنِ ثَابِتٍ يَسْأَلُهُ عَنْ ذَلِكَ فَكَتَبَ إِلَيْهِ زَيْدٌ إِنَّهَا إِذَا دَخَلَتْ فِي الدَّمِ مِنَ الْحَيْضَةِ الثَّالِثَةِ فَقَدْ بَرِئَتْ مِنْهُ وَبَرِئَ مِنْهَا وَلاَ تَرِثُهُ وَلاَ يَرِثُهَا .

USC-MSA web (English) reference : Book 29, Hadith 56
Arabic reference : Book 29, Hadith 1217

Yahya related to me from Malik that he had heard that Abu Bakr ibn Abd ar-Rahman and Sulayman ibn Yasar and Ibn Shihab used to say, "When the divorced woman enters the beginning of her third period, she is clearly separated from her husband and there is no inheritance between them and he has no access to her."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، وَسَالِمِ بْنِ عَبْدِ اللَّهِ، وَأَبِي، بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ وَسُلَيْمَانَ بْنِ يَسَارٍ وَابْنِ شِهَابٍ أَنَّهُمْ كَانُوا يَقُولُونَ إِذَا دَخَلَتِ الْمُطَلَّقَةُ فِي الدَّمِ مِنَ الْحَيْضَةِ الثَّالِثَةِ فَقَدْ بَانَتْ مِنْ زَوْجِهَا وَلاَ مِيرَاثَ بَيْنَهُمَا وَلاَ رَجْعَةَ لَهُ عَلَيْهَا .

USC-MSA web (English) reference : Book 29, Hadith 57
Arabic reference : Book 29, Hadith 1218

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "When a man divorces his wife and she begins her third period, she is free from him and he is free from her."

Malik said, "This is how things are done among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ فَدَخَلَتْ فِي الدَّمِ مِنَ الْحَيْضَةِ الثَّالِثَةِ فَقَدْ بَرِئَتْ مِنْهُ وَبَرِئَ مِنْهَا . قَالَ مَالِكٌ وَهُوَ الأَمْرُ عِنْدَنَا .

USC-MSA web (English) reference : Book 29, Hadith 58
Arabic reference : Book 29, Hadith 1219

Yahya related to me from Malik from al-Fudayl ibn Abi Abdullah, the mawla of al-Mahri that al-Qasim ibn Muhammad and Salim ibn Abdullah said, "When a woman is divorced and begins her third period, she is clearly separated from him and is free to marry again."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الْفُضَيْلِ بْنِ أَبِي عَبْدِ اللَّهِ، مَوْلَى الْمَهْرِيِّ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، وَسَالِمَ بْنَ عَبْدِ اللَّهِ، كَانَا يَقُولاَنِ إِذَا طُلِّقَتِ الْمَرْأَةُ فَدَخَلَتْ فِي الدَّمِ مِنَ الْحَيْضَةِ الثَّالِثَةِ فَقَدْ بَانَتْ مِنْهُ وَحَلَّتْ .

USC-MSA web (English) reference : Book 29, Hadith 59
Arabic reference : Book 29, Hadith 1220

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab and Ibn Shihab and Sulayman ibn Yasar all said, "The idda of the woman with a khul divorce is three periods."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَابْنِ، شِهَابٍ وَسُلَيْمَانَ بْنِ يَسَارٍ أَنَّهُمْ كَانُوا يَقُولُونَ عِدَّةُ الْمُخْتَلِعَةِ ثَلاَثَةُ قُرُوءٍ .

USC-MSA web (English) reference : Book 29, Hadith 60
Arabic reference : Book 29, Hadith 1221

Yahya related to me from Malik that he heard Ibn Shihab say, "The idda of the divorced woman is reckoned by the menstrual cycles even if she is estranged ." (The reason the idda is normally reckoned by the menstrual cycle is to see whether the woman is pregnant or not.)

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَمِعَ ابْنَ شِهَابٍ، يَقُولُ عِدَّةُ الْمُطَلَّقَةِ الأَقْرَاءُ وَإِنْ تَبَاعَدَتْ .

USC-MSA web (English) reference : Book 29, Hadith 61
Arabic reference : Book 29, Hadith 1222

Yahya related to me from Malik from Yahya ibn Said from a man of the Ansar that his wife asked him for a divorce, and he said to her, "When you have had your period, then tell me." When she had her period, she told him. He said, "When you are purified then tell me." When she was purified, she told him and he divorced her.

Malik said, "This is the best of what I have heard about it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ رَجُلٍ، مِنَ الأَنْصَارِ أَنَّ امْرَأَتَهُ، سَأَلَتْهُ الطَّلاَقَ فَقَالَ لَهَا إِذَا حِضْتِ فَآذِنِينِي . فَلَمَّا حَاضَتْ آذَنَتْهُ فَقَالَ إِذَا طَهُرْتِ فَآذِنِينِي فَلَمَّا

USC-MSA web (English) reference : Book 29, Hadith 62
Arabic reference : Book 29, Hadith 1223

Yahya related to me from Malik thal Yahya ibn Said heard al-Qasim ibn Muhammad and Sulayman ibn Yasar both mention that Yahya ibn Said ibn al-As divorced the daughter of Abd ar-Rahman ibn al-Hakam irrevocably, so Abd

ar-Rahman ibn al-Hakam took her away A'isha umm al-muminin sent to Marwan ibn al-Hakam who was the Amir of al-Madina at that time. She said, "Fear Allah and make him return the woman to her house." Marwan said in what Sulayman related, ''Abd ar-Rahman has the upper hand over me." Marwan said in what al-Qasim related, "Hasn't the affair of Fatima bint Qays reached you?" A'isha said, "You are forced to mention the story of Fatima " Marwan said, "If you know that evil, whatever evil there was between those two is enough for you." (See hadith 67.)

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، وَسُلَيْمَانَ بْنِ يَسَارٍ، أَنَّهُ سَمِعَهُمَا يَذْكُرَانِ، أَنَّ يَحْيَى بْنَ سَعِيدِ بْنِ الْعَاصِ، طَلَّقَ ابْنَةَ عَبْدِ الرَّحْمَنِ بْنِ الْحَكَمِ الْبَتَّةَ فَانْتَقَلَهَا عَبْدُ الرَّحْمَنِ بْنُ الْحَكَمِ فَأَرْسَلَتْ عَائِشَةُ أُمُّ الْمُؤْمِنِينَ إِلَى مَرْوَانَ بْنِ الْحَكَمِ وَهُوَ يَوْمَئِذٍ أَمِيرُ الْمَدِينَةِ فَقَالَتِ اتَّقِ اللَّهَ وَارْدُدِ الْمَرْأَةَ إِلَى بَيْتِهَا . فَقَالَ مَرْوَانُ فِي حَدِيثِ سُلَيْمَانَ إِنَّ عَبْدَ الرَّحْمَنِ غَلَبَنِي وَقَالَ مَرْوَانُ فِي حَدِيثِ الْقَاسِمِ أَوَمَا بَلَغَكِ شَأْنُ فَاطِمَةَ بِنْتِ قَيْسٍ فَقَالَتْ عَائِشَةُ لاَ يَضُرُّكَ أَنْ لاَ تَذْكُرَ حَدِيثَ فَاطِمَةَ . فَقَالَ مَرْوَانُ إِنْ كَانَ بِكِ الشَّرُّ فَحَسْبُكِ مَا بَيْنَ هَذَيْنِ مِنَ الشَّرِّ .

USC-MSA web (English) reference : Book 29, Hadith 63
Arabic reference : Book 29, Hadith 1224

Yahya related to me from Malik from Nafi that the daughter of Said ibn Zayd ibn Amr ibn Nufayl was the wife of Abdullah ibn Umar ibn Uthman ibn Affan, and he divorced her irrevocably and she moved out. Abdullah ibn Umar rebuked her for that.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ بِنْتَ سَعِيدِ بْنِ زَيْدِ بْنِ عَمْرِو بْنِ نُفَيْلٍ، كَانَتْ تَحْتَ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ عُثْمَانَ بْنِ عَفَّانَ فَطَلَّقَهَا الْبَتَّةَ فَانْتَقَلَتْ فَأَنْكَرَ ذَلِكَ عَلَيْهَا عَبْدُ اللَّهِ بْنُ عُمَرَ .

USC-MSA web (English) reference : Book 29, Hadith 64
Arabic reference : Book 29, Hadith 1225

Yahya related to me from Malik from Nafi that Abdullah ibn Umar divorced one of his wives in the house of Hafsa, the wife of the Prophet, may Allah bless him and grant him peace, while he was on the way to the mosque. He went another route from behind the houses being averse to ask permission to enter until he returned to her.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، طَلَّقَ امْرَأَةً لَهُ فِي مَسْكَنِ حَفْصَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم وَكَانَ طَرِيقَهُ إِلَى الْمَسْجِدِ فَكَانَ يَسْلُكُ الطَّرِيقَ الأُخْرَى مِنْ أَدْبَارِ الْبُيُوتِ كَرَاهِيَةَ أَنْ يَسْتَأْذِنَ عَلَيْهَا حَتَّى رَاجَعَهَا .

USC-MSA web (English) reference : Book 29, Hadith 65
Arabic reference : Book 29, Hadith 1226

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab was asked who was obliged to pay the rent for a woman whose husband divorced her while she was in a leased house. Said ibn al-Musayyab said, "Her husband is obliged to pay it." Someone asked, "what if her husband does not have it?" He said, "Then she must pay it." Someone asked, "And if she does not have it?" He said, "Then the Amir must pay it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، سُئِلَ عَنِ الْمَرْأَةِ، يُطَلِّقُهَا زَوْجُهَا وَهِيَ فِي بَيْتٍ بِكِرَاءٍ عَلَى مَنِ الْكِرَاءُ فَقَالَ سَعِيدُ بْنُ الْمُسَيَّبِ عَلَى زَوْجِهَا . قَالَ فَإِنْ لَمْ يَكُنْ عِنْدَ زَوْجِهَا قَالَ فَعَلَيْهَا . قَالَ فَإِنْ لَمْ يَكُنْ عِنْدَهَا قَالَ فَعَلَى الأَمِيرِ .

USC-MSA web (English) reference : Book 29, Hadith 66
Arabic reference : Book 29, Hadith 1227

Yahya related to me from Malik from Abdullah ibn Yazid, the mawla of al-Aswad ibn Sufyan from Abu Salama ibn Abd ar-Rahman ibn Awf from Fatima bint Qays that Abu Amr ibn Hafs divorced her absolutely while he was away in Syria. His agent sent her some barley and she was displeased with it, saying, "By Allah, I don't expect anything from you." She went to the Messenger of Allah, may Allah bless him and grant him peace, and mentioned it to him. He said, "You have no maintenance." He then ordered her to spend her idda in the house of Umm Sharik. Then he said, "This is a woman whom my companions visit. Spend the idda in the house of Ibn Umm Maktum. He is a blind man and you can undress at his home. When you are free to remarry, tell me."

She continued, "When I was free to remarry, I mentioned to him that Muawiya ibn Abi Sufyan and Abu Jahm ibn Hisham had asked for me in marriage. The Messenger of Allah, may Allah bless him and grant him peace, said, 'As for Abu Jahm, he never puts down his stick from his shoulder (i.e. he is always travelling), and as for Muawiya he is a poor man with no property. Marry Usama ibn Zayd.' I objected to him and he said, 'Marry Usama ibn Zayd,' so I married him, and Allah put good in it and I was content with him."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، مَوْلَى الأَسْوَدِ بْنِ سُفْيَانَ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ، أَنَّ أَبَا عَمْرِو بْنَ حَفْصٍ، طَلَّقَهَا الْبَتَّةَ وَهُوَ غَائِبٌ بِالشَّامِ فَأَرْسَلَ إِلَيْهَا وَكِيلُهُ بِشَعِيرٍ فَسَخِطَتْهُ فَقَالَ وَاللَّهِ مَا لَكِ عَلَيْنَا مِنْ شَىْءٍ . فَجَاءَتْ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَذَكَرَتْ ذَلِكَ لَهُ فَقَالَ " لَيْسَ لَكِ عَلَيْهِ نَفَقَةٌ " . وَأَمَرَهَا أَنْ تَعْتَدَّ فِي بَيْتِ أُمِّ شَرِيكٍ ثُمَّ قَالَ " تِلْكَ امْرَأَةٌ يَغْشَاهَا أَصْحَابِي اعْتَدِّي عِنْدَ عَبْدِ اللَّهِ ابْنِ أُمِّ مَكْتُومٍ فَإِنَّهُ رَجُلٌ أَعْمَى تَضَعِينَ ثِيَابَكِ عِنْدَهُ فَإِذَا حَلَلْتِ فَآذِنِينِي " . قَالَتْ فَلَمَّا حَلَلْتُ ذَكَرْتُ لَهُ أَنَّ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ وَأَبَا جَهْمِ بْنَ هِشَامٍ خَطَبَانِي . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَمَّا أَبُو جَهْمٍ فَلاَ يَضَعُ عَصَاهُ عَنْ عَاتِقِهِ وَأَمَّا مُعَاوِيَةُ فَصُعْلُوكٌ لاَ مَالَ لَهُ انْكِحِي أُسَامَةَ بْنَ زَيْدٍ " . قَالَتْ فَكَرِهْتُهُ ثُمَّ قَالَ " انْكِحِي أُسَامَةَ بْنَ زَيْدٍ " . فَنَكَحْتُهُ فَجَعَلَ اللَّهُ فِي ذَلِكَ خَيْرًا وَاغْتَبَطْتُ بِهِ .

USC-MSA web (English) reference : Book 29, Hadith 67
Arabic reference : Book 29, Hadith 1228

Yahya related to me from Malik that he heard Ibn Shihab say, "The woman who is absolutely divorced does not leave her house until she is free to remarry. She has no maintenance unless she is pregnant. In that circumstance the husband spends on her until she gives birth."

Malik said, "This is what is done among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَمِعَ ابْنَ شِهَابٍ، يَقُولُ الْمَبْتُوتَةُ لاَ تَخْرُجُ مِنْ بَيْتِهَا حَتَّى تَحِلَّ وَلَيْسَتْ لَهَا نَفَقَةٌ إِلاَّ أَنْ تَكُونَ حَامِلاً فَيُنْفَقُ عَلَيْهَا حَتَّى تَضَعَ حَمْلَهَا . قَالَ مَالِكٌ وَهَذَا الأَمْرُ عِنْدَنَا .

USC-MSA web (English) reference : Book 29, Hadith 68
Arabic reference : Book 29, Hadith 1229

Malik said, "What is done among us when a slave divorces a slave- girl when she is a slave and then she is set free, is that her idda is the idda of a slave-girl, and her being set free does not change her idda whether or not he can still return to her. Her idda is not altered."

Malik added, "The hadd-punishment which a slave incurs is the same as this. When he is freed after he has incurred but before the punishment has been executed, his hadd is the hadd of the slave."

Malik said, "When a free man divorces a slave-girl three times, her idda is two periods. When a slave divorces a free woman twice, her idda is three periods."
Malik said about a man who had a slave-girl as a wife, and he bought her and set her free, "Her idda is the idda of a slave-girl, i.e. two periods, as long as he has not had intercourse with her. If he has had intercourse with her after buying her and before he set her free, she only has to wait until one period has passed . "

USC-MSA web (English) reference : Book 29, Hadith 69

Yahya related to me from Malik from Yahya ibn Said and from Yazid ibn Abdullah ibn Qusayt al-Laythi that Said ibn al-Musayyab said, "Umar ibn al-Khattab said, 'If a woman is divorced and has one or two periods and then stops menstruating, she must wait nine months. If it is clear that she is pregnant, that is that. If not, she must do an idda of three months after the nine, and then she is free to marry.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، وَعَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ اللَّيْثِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ قَالَ عُمَرُ بْنُ الْخَطَّابِ أَيُّمَا امْرَأَةٍ طُلِّقَتْ فَحَاضَتْ حَيْضَةً أَوْ حَيْضَتَيْنِ ثُمَّ رَفَعَتْهَا حَيْضَتُهَا فَإِنَّهَا تَنْتَظِرُ تِسْعَةَ أَشْهُرٍ فَإِنْ بَانَ بِهَا حَمْلٌ فَذَلِكَ وَإِلاَّ اعْتَدَّتْ بَعْدَ التِّسْعَةِ الأَشْهُرِ ثَلاَثَةَ أَشْهُرٍ ثُمَّ حَلَّتْ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 70
Arabic reference : Book 29, Hadith 1230

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "Divorce belongs to men, and women have the idda."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ الطَّلاَقُ لِلرِّجَالِ وَالْعِدَّةُ لِلنِّسَاءِ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 70
Arabic reference : Book 29, Hadith 1231

Yahya related to me from Malik from Ibn Shihab that Said ibn al- Musayyab said, "The idda of the woman who bleeds constantly is a year."

Malik said, "What is done among us about a divorced woman whose periods stop when her husband divorces her is that she waits nine months. If she has not had a period in them, she has an idda of three months. If she has a period before the end of the three months, she accepts the period. If another nine months pass without her having a period, she does an idda of three months. If she has a second period before the end of those three months, she accepts the period. If nine months then pass without a period, she does an idda of three months. If she has a third period, the idda of the period is complete. If she does not have a period, she waits three months, and then she is free to marry. Her husband can return to her before she becomes free to marry unless he made her divorce irrevocable."
Malik said, "The sunna with us is that when a man divorces his wife and has the option to return to her, and she does part of her idda and then he returns to her and then parts from her before he has had intercourse with her, she does not add to what has passed of her idda. Her husband has wronged himself and erred if he returned to her and had no need of her."
Malik said, "What is done among us is that if a woman becomes a muslim while her husband is a kafir and then he becomes muslim, he is entitled to her as long as she is in her idda. If her idda is finished, he has no access to her. If he remarries her after the end of her idda, however, that is not counted as divorce. Islam removed her from him without divorce."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ عِدَّةُ الْمُسْتَحَاضَةِ سَنَةٌ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الْمُطَلَّقَةِ الَّتِي تَرْفَعُهَا حَيْضَتُهَا حِينَ يُطَلِّقُهَا زَوْجُهَا أَنَّهَا تَنْتَظِرُ تِسْعَةَ أَشْهُرٍ فَإِنْ لَمْ تَحِضْ فِيهِنَّ اعْتَدَّتْ ثَلاَثَةَ أَشْهُرٍ فَإِنْ حَاضَتْ قَبْلَ أَنْ تَسْتَكْمِلَ الأَشْهُرَ الثَّلاَثَةَ اسْتَقْبَلَتِ الْحَيْضَ فَإِنْ مَرَّتْ بِهَا تِسْعَةُ أَشْهُرٍ قَبْلَ أَنْ تَحِيضَ اعْتَدَّتْ ثَلاَثَةَ أَشْهُرٍ فَإِنْ حَاضَتِ الثَّانِيَةَ قَبْلَ أَنْ تَسْتَكْمِلَ الأَشْهُرَ الثَّلاَثَةَ اسْتَقْبَلَتِ الْحَيْضَ فَإِنْ مَرَّتْ بِهَا تِسْعَةُ أَشْهُرٍ قَبْلَ أَنْ تَحِيضَ اعْتَدَّتْ ثَلاَثَةَ أَشْهُرٍ فَإِنْ حَاضَتِ الثَّالِثَةَ كَانَتْ قَدِ اسْتَكْمَلَتْ عِدَّةَ الْحَيْضِ فَإِنْ لَمْ تَحِضِ اسْتَقْبَلَتْ ثَلاَثَةَ أَشْهُرٍ ثُمَّ حَلَّتْ وَلِزَوْجِهَا عَلَيْهَا فِي ذَلِكَ الرَّجْعَةُ قَبْلَ أَنْ تَحِلَّ إِلاَّ أَنْ يَكُونَ قَدْ بَتَّ طَلاَقَهَا . قَالَ مَالِكٌ السُّنَّةُ عِنْدَنَا أَنَّ الرَّجُلَ إِذَا طَلَّقَ امْرَأَتَهُ وَلَهُ عَلَيْهَا رَجْعَةٌ فَاعْتَدَّتْ بَعْضَ عِدَّتِهَا ثُمَّ ارْتَجَعَهَا ثُمَّ فَارَقَهَا قَبْلَ أَنْ يَمَسَّهَا أَنَّهَا لاَ تَبْنِي عَلَى مَا مَضَى مِنْ عِدَّتِهَا وَأَنَّهَا تَسْتَأْنِفُ مِنْ يَوْمَ طَلَّقَهَا عِدَّةً مُسْتَقْبَلَةً وَقَدْ ظَلَمَ زَوْجُهَا نَفْسَهُ وَأَخْطَأَ إِنْ كَانَ ارْتَجَعَهَا وَلاَ حَاجَةَ لَهُ بِهَا . قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا أَنَّ الْمَرْأَةَ إِذَا أَسْلَمَتْ وَزَوْجُهَا كَافِرٌ ثُمَّ أَسْلَمَ فَهُوَ أَحَقُّ بِهَا مَا دَامَتْ فِي عِدَّتِهَا فَإِنِ انْقَضَتْ عِدَّتُهَا فَلاَ سَبِيلَ لَهُ عَلَيْهَا وَإِنْ تَزَوَّجَهَا بَعْدَ انْقِضَاءِ عِدَّتِهَا لَمْ يُعَدَّ ذَلِكَ طَلاَقًا وَإِنَّمَا فَسَخَهَا مِنْهُ الإِسْلاَمُ بِغَيْرِ طَلاَقٍ .

USC-MSA web (English) reference : Book 29, Hadith 71
Arabic reference : Book 29, Hadith 1232

Yahya related to me from Malik that he had heard that Ali ibn Abi Talib said about the two arbiters about whom Allah, the Exalted, said,"If you fear a breach between the two, appoint an arbiter from his people, and an arbiter from her people. If they desire to set things aright, Allah will make peace between them, surely Allah is Knowing, Aware," (Sura 4 ayat 35), that the separation and the joining were overseen by the two of them.

Malik said, "That is the best of what I have heard from the people of knowledge. Whatever the two arbiters say concerning separation or joining is taken into consideration "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ، قَالَ فِي الْحَكَمَيْنِ اللَّذَيْنِ قَالَ اللَّهُ تَعَالَى {وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلاَحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا} إِنَّ إِلَيْهِمَا الْفُرْقَةَ بَيْنَهُمَا وَالاِجْتِمَاعَ . قَالَ مَالِكٌ وَذَلِكَ أَحْسَنُ مَا سَمِعْتُ مِنْ أَهْلِ الْعِلْمِ أَنَّ الْحَكَمَيْنِ يَجُوزُ قَوْلُهُمَا بَيْنَ الرَّجُلِ وَامْرَأَتِهِ فِي الْفُرْقَةِ وَالاِجْتِمَاعِ .

USC-MSA web (English) reference : Book 29, Hadith 72
Arabic reference : Book 29, Hadith 1233

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab, Abdullah ibn Umar, Abdullah ibn Masud, Salim ibn Abdullah, al-Qasim ibn Muhammad, Ibn Shihab,and Sulayman ibn Yasar all said, "If a man has vowed to divorce his wife before marrying her and then he breaks his vow, divorce is obligatory for him when he marries her."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَعَبْدَ اللَّهِ بْنَ عُمَرَ، وَعَبْدَ اللَّهِ بْنَ مَسْعُودٍ، وَسَالِمَ بْنَ عَبْدِ اللَّهِ، وَالْقَاسِمَ بْنَ مُحَمَّدٍ، وَابْنَ، شِهَابٍ وَسُلَيْمَانَ بْنَ يَسَارٍ كَانُوا يَقُولُونَ إِذَا حَلَفَ الرَّجُلُ بِطَلاَقِ الْمَرْأَةِ قَبْلَ أَنْ يَنْكِحَهَا ثُمَّ أَثِمَ إِنَّ ذَلِكَ لاَزِمٌ لَهُ إِذَا نَكَحَهَا .

USC-MSA web (English) reference : Book 29, Hadith 73
Arabic reference : Book 29, Hadith 1234

Yahya related to me from Malik that he had heard that Abdullah ibn Masud said that there was nothing binding on someone who said, "Every woman I marry is divorced," if he did not name a specific tribe or woman.
Malik said, "That is the best of what I have heard."
Malik said about a man saying to his wife, "You are divorced, and every woman I marry is divorced," or that all his property would be sadaqa if he did not do such-and-such, and he broke his oath:
"As for his wives, it is divorce as he said, and as for his statement, 'Every woman I marry is divorced', if he did not name a specific woman, tribe, or land, or such, it is not binding on him and he can marry as he wishes. As for his property, he gives a third of it away as sadaqa."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، كَانَ يَقُولُ فِيمَنْ قَالَ كُلُّ امْرَأَةٍ أَنْكِحُهَا فَهِيَ طَالِقٌ إِنَّهُ إِذَا لَمْ يُسَمِّ قَبِيلَةً أَوِ امْرَأَةً بِعَيْنِهَا فَلاَ شَىْءَ عَلَيْهِ . قَالَ مَالِكٌ وَهَذَا أَحْسَنُ مَا سَمِعْتُ . قَالَ مَالِكٌ فِي الرَّجُلِ يَقُولُ لاِمْرَأَتِهِ أَنْتِ الطَّلاَقُ وَكُلُّ امْرَأَةٍ أَنْكِحُهَا فَهِيَ طَالِقٌ وَمَالُهُ صَدَقَةٌ إِنْ لَمْ يَفْعَلْ كَذَا وَكَذَا فَحَنِثَ قَالَ أَمَّا نِسَاؤُهُ فَطَلاَقٌ كَمَا قَالَ وَأَمَّا قَوْلُهُ كُلُّ امْرَأَةٍ أَنْكِحُهَا فَهِيَ طَالِقٌ فَإِنَّهُ إِذَا لَمْ يُسَمِّ امْرَأَةً بِعَيْنِهَا أَوْ قَبِيلَةً أَوْ أَرْضًا أَوْ نَحْوَ هَذَا فَلَيْسَ يَلْزَمُهُ ذَلِكَ وَلْيَتَزَوَّجْ مَا شَاءَ وَأَمَّا مَالُهُ فَلْيَتَصَدَّقْ بِثُلُثِهِ .

USC-MSA web (English) reference : Book 29, Hadith 73
Arabic reference : Book 29, Hadith 1235

Yahya related to me from Malik from Ibn Shihab that Said ibn al- Musayyab said, "If someone marries a woman and cannot have intercourse with her, there is a deadline of a year set for him to have intercourse with her. If he does not, they are separated."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ مَنْ تَزَوَّجَ امْرَأَةً فَلَمْ يَسْتَطِعْ أَنْ يَمَسَّهَا فَإِنَّهُ يُضْرَبُ لَهُ أَجَلٌ سَنَةً فَإِنْ مَسَّهَا وَإِلاَّ فُرِّقَ بَيْنَهُمَا .

USC-MSA web (English) reference : Book 29, Hadith 74
Arabic reference : Book 29, Hadith 1236

Yahya related to me from Malik that he had asked Ibn Shihab about whether the deadline was set from the day he had married her, or from the day she raised the question before the Sultan. He said. 'It is from the day she presents it before the Sultan.'

Malik said, "As for someone who has intercourse with his wife and then is prevented from intercourse with her, I have not heard that there is a deadline set for him or that they are separated."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ مَتَى يُضْرَبُ لَهُ الأَجَلُ أَمِنْ يَوْمِ يَبْنِي بِهَا أَمْ مِنْ يَوْمِ تُرَافِعُهُ إِلَى السُّلْطَانِ فَقَالَ بَلْ مِنْ يَوْمِ تُرَافِعُهُ إِلَى السُّلْطَانِ . قَالَ مَالِكٌ فَأَمَّا الَّذِي قَدْ مَسَّ امْرَأَتَهُ ثُمَّ اعْتَرَضَ عَنْهَا فَإِنِّي لَمْ أَسْمَعْ أَنَّهُ يُضْرَبُ لَهُ أَجَلٌ وَلاَ يُفَرَّقُ بَيْنَهُمَا .

USC-MSA web (English) reference : Book 29, Hadith 754
Arabic reference : Book 29, Hadith 1237

Yahya related to me from Malik that Ibn Shihab said, "I have heard that the Messenger of Allah, may Allah bless him and grant him peace, said to a man from Thaqif who had ten wives when he became muslim, 'Take four and separate from the rest.' "

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ لِرَجُلٍ مِنْ ثَقِيفٍ أَسْلَمَ وَعِنْدَهُ عَشْرُ نِسْوَةٍ حِينَ أَسْلَمَ الثَّقَفِيُّ " أَمْسِكْ مِنْهُنَّ أَرْبَعًا وَفَارِقْ سَائِرَهُنَّ " .

USC-MSA web (English) reference : Book 29, Hadith 76
Arabic reference : Book 29, Hadith 1238

Yahya related to me from Malik that Ibn Shihab said that he had heard Said ibn al-Musayyab, Humayd ibn Abd ar-Rahman ibn Awf, Ubaydullah ibn Abdullah ibn Utba ibn Masud, and Sulayman ibn Yasarall say, that they had heard Abu Hurayra say that he had heard Umar ibn al-Khattab say, "If a woman is divorced by her husband once or twice, and he leaves her until she is free to marry and she marries another husband and he dies or divorces her, and then she marries her first husband, she is with him according to what remains of her divorce."

Malik said, "That is what is done among us and there is no dispute about it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ، وَحُمَيْدَ بْنَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَعُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، وَسُلَيْمَانَ بْنَ يَسَارٍ، كُلُّهُمْ يَقُولُ سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ، يَقُولُ أَيُّمَا امْرَأَةٍ طَلَّقَهَا زَوْجُهَا تَطْلِيقَةً أَوْ تَطْلِيقَتَيْنِ ثُمَّ تَرَكَهَا حَتَّى تَحِلَّ وَتَنْكِحَ زَوْجًا غَيْرَهُ فَيَمُوتَ عَنْهَا أَوْ يُطَلِّقَهَا ثُمَّ يَنْكِحُهَا زَوْجُهَا الأَوَّلُ فَإِنَّهَا تَكُونُ عِنْدَهُ عَلَى مَا بَقِيَ مِنْ طَلاَقِهَا . قَالَ مَالِكٌ وَعَلَى ذَلِكَ السُّنَّةُ عِنْدَنَا الَّتِي لاَ اخْتِلاَفَ فِيهَا .

USC-MSA web (English) reference : Book 29, Hadith 77
Arabic reference : Book 29, Hadith 1239

Yahya related to me from Malik from Thabit ibn al-Ahnaf that he married an umm walad of Abd ar-Rahman ibn Zayd ibn al-Khattab. He said, "Abdullah ibn Abd ar-Rahman ibn Zayd ibn al-Khattab summoned me and I went to him. I came in upon him and there were whips and two iron fetters placed there, and two of his slaves whom he had made to sit there. He said, 'Divorce her, or by He by whom one swears, I will do such-and-such to you!' I said, 'It is divorce a thousand times.' Then I left him and I saw Abdullah ibn Umar on the road to Makka and I told him about my situation. Abdullah ibn Umar was furious, and said, 'That is not divorce, and she is not haram for you, so return to your home.' I was still not at ease so I went to Abdullah ibn az-Zubayr who was the Amir of Makka at that time. I told him about my situation and what Abdullah ibn Umar had said to me. Abdullah ibn az-Zubayr said to me, 'She is not haram for you, so return to your home,' and he wrote to Jabir ibn al-Aswad az-Zuhra who was the Amir of Madina and ordered him to punish Abdullah ibn Abdar-Rahman and to have him leave me and my family alone. I went to Madina, and Safiyya, the wife of Abdullah ibn Umar fitted out my wife so that she could bring her to my house with the knowledge of Abdullah ibn Umar. Then I invited Abdullah ibn Umar on the day of my wedding to the wedding feast and he came."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ثَابِتِ بْنِ الأَحْنَفِ، أَنَّهُ تَزَوَّجَ أُمَّ وَلَدٍ لِعَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ الْخَطَّابِ - قَالَ - فَدَعَانِي عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ الْخَطَّابِ فَجِئْتُهُ فَدَخَلْتُ عَلَيْهِ فَإِذَا سِيَاطٌ مَوْضُوعَةٌ وَإِذَا قَيْدَانِ مِنْ حَدِيدٍ وَعَبْدَانِ لَهُ قَدْ أَجْلَسَهُمَا فَقَالَ طَلِّقْهَا وَإِلاَّ وَالَّذِي يُحْلَفُ بِهِ فَعَلْتُ بِكَ كَذَا وَكَذَا . قَالَ فَقُلْتُ هِيَ الطَّلاَقُ أَلْفًا . قَالَ فَخَرَجْتُ مِنْ عِنْدِهِ فَأَدْرَكْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ بِطَرِيقِ مَكَّةَ فَأَخْبَرْتُهُ بِالَّذِي كَانَ مِنْ شَأْنِي فَتَغَيَّظَ عَبْدُ اللَّهِ وَقَالَ لَيْسَ ذَلِكَ بِطَلاَقٍ وَإِنَّهَا لَمْ تَحْرُمْ عَلَيْكَ فَارْجِعْ إِلَى أَهْلِكَ . قَالَ فَلَمْ تُقْرِرْنِي نَفْسِي حَتَّى أَتَيْتُ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ - وَهُوَ يَوْمَئِذٍ بِمَكَّةَ أَمِيرٌ عَلَيْهَا - فَأَخْبَرْتُهُ بِالَّذِي كَانَ مِنْ شَأْنِي وَبِالَّذِي قَالَ لِي عَبْدُ اللَّهِ بْنُ عُمَرَ قَالَ فَقَالَ لِي عَبْدُ اللَّهِ بْنُ الزُّبَيْرِ لَمْ تَحْرُمْ عَلَيْكَ فَارْجِعْ إِلَى أَهْلِكَ . وَكَتَبَ إِلَى جَابِرِ بْنِ الأَسْوَدِ الزُّهْرِيِّ - وَهُوَ

أَمِيرُ الْمَدِينَةِ - يَأْمُرُهُ أَنْ يُعَاقِبَ عَبْدَ اللَّهِ بْنَ عَبْدِ الرَّحْمَنِ وَأَنْ يُخَلِّيَ بَيْنِي وَبَيْنَ أَهْلِي - قَالَ - فَقَدِمْتُ الْمَدِينَةَ فَجَهَّزَتْ صَفِيَّةُ امْرَأَةُ عَبْدِ اللَّهِ بْنِ عُمَرَ امْرَأَتِي حَتَّى أَدْخَلَتْهَا عَلَىَّ بِعِلْمِ عَبْدِ اللَّهِ بْنِ عُمَرَ ثُمَّ دَعَوْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ يَوْمَ عُرْسِي لِوَلِيمَتِي فَجَاءَنِي ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 78
Arabic reference : Book 29, Hadith 1240

Yahya related to me from Malik that Abdullah ibn Dinar said, "I heard Abdullah ibn Umar recite from the Qur'an, 'Prophet! When you divorce women, divorce them at the beginning of their idda.'"

Malik said, "He meant by that, to make one pronouncement of divorce at the beginning of each period of purity."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّهُ قَالَ سَمِعْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ، قَرَأَ ‏{‏يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ‏}‏ لِقُبُلِ عِدَّتِهِنَّ ‏.‏ قَالَ مَالِكٌ يَعْنِي بِذَلِكَ أَنْ يُطَلِّقَ فِي كُلِّ طُهْرٍ مَرَّةً ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 79
Arabic reference : Book 29, Hadith 1241

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "It used to be that a man would divorce his wife and then return to her before her idda was over, and that was alright, even if he divorced her a thousand times. The man went to his wife and then divorced her and when the end of her idda was in sight, he took her back and then divorced her and said, 'No! By Allah, I will not go to you and you will never be able to marry again.' Allah, the Blessed, the Exalted, sent down, 'Divorce is twice, then honourable retention or setting free kindly.' People then turned towards divorce in a new light from that day whether or not they were divorced or not divorced."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ كَانَ الرَّجُلُ إِذَا طَلَّقَ امْرَأَتَهُ ثُمَّ ارْتَجَعَهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا كَانَ ذَلِكَ لَهُ وَإِنْ طَلَّقَهَا أَلْفَ مَرَّةٍ فَعَمَدَ رَجُلٌ إِلَى امْرَأَتِهِ فَطَلَّقَهَا حَتَّى إِذَا شَارَفَتِ انْقِضَاءَ عِدَّتِهَا رَاجَعَهَا ثُمَّ طَلَّقَهَا ثُمَّ قَالَ لاَ وَاللَّهِ لاَ آوِيكِ إِلَىَّ وَلاَ تَحِلِّينَ أَبَدًا ‏.‏ فَأَنْزَلَ اللَّهُ تَبَارَكَ وَتَعَالَى ‏{‏الطَّلاَقُ مَرَّتَانِ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ‏}‏ فَاسْتَقْبَلَ النَّاسُ الطَّلاَقَ جَدِيدًا مِنْ يَوْمِئِذٍ مَنْ كَانَ طَلَّقَ مِنْهُمْ أَوْ لَمْ يُطَلِّقْ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 80
Arabic reference : Book 29, Hadith 1242

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili that Allah, the Blessed, the Exalted, sent down about a man who divorced his wife and then returned to her while he had no need of her and did not mean to keep her so as to make the idda period long for her by that in order to do her harm, "Do not retain them by force, to transgress. Whoever does that has wronged himself." (Sura 2 ayat 231). Allah warns them by that ayat.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، أَنَّ الرَّجُلَ، كَانَ يُطَلِّقُ امْرَأَتَهُ ثُمَّ يُرَاجِعُهَا وَلاَ حَاجَةَ لَهُ بِهَا وَلاَ يُرِيدُ إِمْسَاكَهَا كَيْمَا يُطَوِّلَ بِذَلِكَ عَلَيْهَا الْعِدَّةَ لِيُضَارَّهَا فَأَنْزَلَ اللَّهُ تَبَارَكَ وَتَعَالَى ‏{‏وَلاَ تُمْسِكُوهُنَّ ضِرَارًا لِتَعْتَدُوا وَمَنْ يَفْعَلْ ذَلِكَ فَقَدْ ظَلَمَ نَفْسَهُ‏}‏ يَعِظُهُمُ اللَّهُ بِذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 81
Arabic reference : Book 29, Hadith 1243

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab and Sulayman ibn Yasar were asked about a man who divorced when he was drunk. They said, "When a drunk man divorces, his divorce is allowed. If he kills, he is killed for it."

Malik said, "That is what is done among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، سُئِلاَ عَنْ طَلاَقِ السَّكْرَانِ، فَقَالاَ إِذَا طَلَّقَ السَّكْرَانُ جَازَ طَلاَقُهُ وَإِنْ قَتَلَ قُتِلَ بِهِ . قَالَ مَالِكٌ وَعَلَى ذَلِكَ الأَمْرُ عِنْدَنَا .

USC-MSA web (English) reference : Book 29, Hadith 82
Arabic reference : Book 29, Hadith 1244

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab said, "If a man does not find the means to spend on his wife, they are to be separated . "

Malik said, "That is what I saw the people of knowledge in our city doing."

29.30 Idda of Widows when Pregnant

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، كَانَ يَقُولُ إِذَا لَمْ يَجِدِ الرَّجُلُ مَا يُنْفِقُ عَلَى امْرَأَتِهِ فُرِّقَ بَيْنَهُمَا . قَالَ مَالِكٌ وَعَلَى ذَلِكَ أَدْرَكْتُ أَهْلَ الْعِلْمِ بِبَلَدِنَا .

USC-MSA web (English) reference : Book 29, Hadith 82
Arabic reference : Book 29, Hadith 1245

Yahya related to me from Malik from Abdu Rabbih ibn Said ibn Qays that Abu Salama ibn Abd ar-Rahman said that Abdullah ibn Abbas and Abu Hurayra were asked when a pregnant woman whose husband had died could remarry. Ibn Abbas said, "At the end of two periods." Abu Hurayra said, "When she gives birth, she is free to marry." Abu Salama ibn Abd ar-Rahman visited Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, and asked her about it Umm Salama said, "Subaya al-Aslamiya gave birth half a month after the death of her husband, and two men asked to marry her. One was young and the other was old. She preferred the young man and so the older man said, 'You are not free to marry yet.' Her family were away and he hoped that when her family came, they would give her to him. She went to the Messenger of Allah, may Allah bless him and grant him peace, and he said, 'You are free to marry, so marry whomever you wish.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ رَبِّهِ بْنِ سَعِيدِ بْنِ قَيْسٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّهُ قَالَ سُئِلَ عَبْدُ اللَّهِ بْنُ عَبَّاسٍ وَأَبُو هُرَيْرَةَ عَنِ الْمَرْأَةِ الْحَامِلِ يُتَوَفَّى عَنْهَا زَوْجُهَا فَقَالَ ابْنُ عَبَّاسٍ آخِرَ الأَجَلَيْنِ . وَقَالَ أَبُو هُرَيْرَةَ إِذَا وَلَدَتْ فَقَدْ حَلَّتْ . فَدَخَلَ أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ عَلَى أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم فَسَأَلَهَا عَنْ ذَلِكَ فَقَالَتْ أُمُّ سَلَمَةَ وَلَدَتْ سُبَيْعَةُ الأَسْلَمِيَّةُ بَعْدَ وَفَاةِ زَوْجِهَا بِنِصْفِ شَهْرٍ فَخَطَبَهَا رَجُلاَنِ أَحَدُهُمَا شَابٌّ وَالآخَرُ كَهْلٌ فَحَطَّتْ إِلَى الشَّابِّ فَقَالَ الشَّيْخُ لَمْ تَحِلِّي بَعْدُ . وَكَانَ أَهْلُهَا غَيَبًا وَرَجَا إِذَا جَاءَ أَهْلُهَا أَنْ يُؤْثِرُوهُ بِهَا فَجَاءَتْ رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ " **قَدْ حَلَلْتِ فَانْكِحِي مَنْ شِئْتِ** " .

USC-MSA web (English) reference : Book 29, Hadith 83
Arabic reference : Book 29, Hadith 1246

Yahya related to me from Malik from Nafi that Abdullah ibn Umar was asked about a woman whose husband died while she was pregnant, and he said, "When she gives birth, she is free to marry." A man of the Ansar who was with

him told him that Umar ibn al-Khattab had said, "Had she given birth while her husband was still on his bed, unburied, she would be free to marry."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ سُئِلَ عَنِ الْمَرْأَةِ، يُتَوَفَّى عَنْهَا زَوْجُهَا وَهِيَ حَامِلٌ فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ إِذَا وَضَعَتْ حَمْلَهَا فَقَدْ حَلَّتْ . فَأَخْبَرَهُ رَجُلٌ مِنَ الأَنْصَارِ كَانَ عِنْدَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ لَوْ وَضَعَتْ وَزَوْجُهَا عَلَى سَرِيرِهِ لَمْ يُدْفَنْ بَعْدُ لَحَلَّتْ .

USC-MSA web (English) reference : Book 29, Hadith 84
Arabic reference : Book 29, Hadith 1247

Yahya related to me from Malik from Hisham ibn 'Urwa from his father that al-Miswar ibn Makhrama told him that Subaya al-Aslamiya gave birth a few nights after the death of her husband. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "You are free to marry, so marry whomever you wish."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ الْمِسْوَرِ بْنِ مَخْرَمَةَ، أَنَّهُ أَخْبَرَهُ أَنَّ سُبَيْعَةَ الأَسْلَمِيَّةَ نُفِسَتْ بَعْدَ وَفَاةِ زَوْجِهَا بِلَيَالٍ فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " قَدْ حَلَلْتِ فَانْكِحِي مَنْ شِئْتِ " .

USC-MSA web (English) reference : Book 29, Hadith 85
Arabic reference : Book 29, Hadith 1248

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Abdullah ibn Abbas and Abu Salama ibn Abd ar-Rahman ibn Awf differed on the question of a wornan who gave birth a few nights after the death of her husband. Abu Salama said, "When she gives birth to the child she is carrying, she is free to marry." Ibn Abbas said, "At the end of two periods." Abu Hurayra came and said, "I am with my nephew", meaning Abu Salama. They sent Kurayb, a mawla of Abdullah ibn Abbas to Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, to ask her about it. He came back and told them that she had said that Subaya al-Aslamiya had given birth a few nights after the death of her husband, and she had brought the matter to the Messenger of Allah, may Allah bless him and grant him peace, and he had said, "You are free to marry, so marry whomever you wish."

Malik said, "This is how the people of knowledge here continue to act."

29.31 Widows Remaining in Their Houses until Free to Marry

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، وَأَبَا، سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ اخْتَلَفَا فِي الْمَرْأَةِ تُنْفَسُ بَعْدَ وَفَاةِ زَوْجِهَا بِلَيَالٍ فَقَالَ أَبُو سَلَمَةَ إِذَا وَضَعَتْ مَا فِي بَطْنِهَا فَقَدْ حَلَّتْ . وَقَالَ ابْنُ عَبَّاسٍ آخِرَ الأَجَلَيْنِ . فَجَاءَ أَبُو هُرَيْرَةَ فَقَالَ أَنَا مَعَ ابْنِ أَخِي . يَعْنِي أَبَا سَلَمَةَ فَبَعَثُوا كُرَيْبًا مَوْلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ إِلَى أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم يَسْأَلُهَا عَنْ ذَلِكَ فَجَاءَهُمْ فَأَخْبَرَهُمْ أَنَّهَا قَالَتْ وَلَدَتْ سُبَيْعَةُ الأَسْلَمِيَّةُ بَعْدَ وَفَاةِ زَوْجِهَا بِلَيَالٍ فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ " قَدْ حَلَلْتِ فَانْكِحِي مَنْ شِئْتِ " .

USC-MSA web (English) reference : Book 29, Hadith 86
Arabic reference : Book 29, Hadith 1249

Yahya related to me from Malik from Said ibn Ishaq ibn Kab ibn Ujra from his paternal aunt, Zaynab bint Kab ibn Ujra that al-Furaya bint Malik ibn Sinan, the sister of Abu Said al-Khudri, informed her that she went to the Messenger of Allah, may Allah bless him and grant him peace, and asked to be able to return to her people among

the Banu Khudra since her husband had gone out in search of some of his slaves who had run away and he had caught up with them near al-Qudum, (which is 6 miles from Madina), and they had killed him.

She said, "I asked the Messenger of Allah, may Allah bless him and grant him peace, if I could return to my people in the Banu Khudra, as my husband had not left me in a dwelling which belonged to him, and had left me no maintenance. The Messenger of Allah, may Allah bless him and grant him peace, said,'Yes.' So I left. When I was in the courtyard, the Messenger of Allah, may Allah bless him and grant him peace, called me or summoned me, and I answered him. He said, 'What did you say?' I repeated the story about my husband. He said, 'Stay in your house until what is written reaches its term.' I did the idda in the house for four months and ten days."
She added, "When Uthman ibn Affan sent for me, I told him that, and he followed it and made decisions by it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ إِسْحَاقَ بْنِ كَعْبِ بْنِ عُجْرَةَ، عَنْ عَمَّتِهِ، زَيْنَبَ بِنْتِ كَعْبِ بْنِ عُجْرَةَ أَنَّ الْفُرَيْعَةَ بِنْتَ مَالِكِ بْنِ سِنَانٍ، - وَهِيَ أُخْتُ أَبِي سَعِيدٍ الْخُدْرِيِّ - أَخْبَرَتْهَا أَنَّهَا، جَاءَتْ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم تَسْأَلُهُ أَنْ تَرْجِعَ إِلَى أَهْلِهَا فِي بَنِي خُدْرَةَ فَإِنَّ زَوْجَهَا خَرَجَ فِي طَلَبِ أَعْبُدٍ لَهُ أَبَقُوا حَتَّى إِذَا كَانُوا بِطَرَفِ الْقَدُومِ لَحِقَهُمْ فَقَتَلُوهُ . قَالَتْ فَسَأَلْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم أَنْ أَرْجِعَ إِلَى أَهْلِي فِي بَنِي خُدْرَةَ فَإِنَّ زَوْجِي لَمْ يَتْرُكْنِي فِي مَسْكَنٍ يَمْلِكُهُ وَلاَ نَفَقَةَ . قَالَتْ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ " . قَالَتْ فَانْصَرَفْتُ حَتَّى إِذَا كُنْتُ فِي الْحُجْرَةِ نَادَانِي رَسُولُ اللَّهِ صلى الله عليه وسلم أَوْ أَمَرَ بِي فَنُودِيتُ لَهُ فَقَالَ " كَيْفَ قُلْتِ " . فَرَدَّدْتُ عَلَيْهِ الْقِصَّةَ الَّتِي ذَكَرْتُ لَهُ مِنْ شَأْنِ زَوْجِي فَقَالَ " امْكُثِي فِي بَيْتِكِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ " . قَالَتْ فَاعْتَدَدْتُ فِيهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا - قَالَتْ - فَلَمَّا كَانَ عُثْمَانُ بْنُ عَفَّانَ أَرْسَلَ إِلَىَّ فَسَأَلَنِي عَنْ ذَلِكَ فَأَخْبَرْتُهُ فَاتَّبَعَهُ وَقَضَى بِهِ .

USC-MSA web (English) reference : Book 29, Hadith 87
Arabic reference : Book 29, Hadith 1250

Yahya related to me from Malik from Humayd ibn Qays al-Makki from Amr ibn Shuayb from Said ibn al-Musayyab that Umar ibn al-Khattab sent back widows from the desert and prevented them from doing the hajj.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدِ بْنِ قَيْسٍ الْمَكِّيِّ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، . أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَرُدُّ الْمُتَوَفَّى عَنْهُنَّ أَزْوَاجُهُنَّ مِنَ الْبَيْدَاءِ يَمْنَعُهُنَّ الْحَجَّ .

USC-MSA web (English) reference : Book 29, Hadith 88
Arabic reference : Book 29, Hadith 1251

Yahya related to me from Malik from Yahya ibn Saqd that he had heard that as-Sa'ib ibn Khabbab died, and his wife went to Abdullah ibn Umar and mentioned to him that her husband had died and mentioned some land which they had at Qanah, (a district on the outskirts of Madina), and asked him if it would be alright for her to stay overnight there. He forbade her to do so. So, she went out before dawn from Madina and spent the whole day on their land, but when evening came, she spent the night in her house.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ بَلَغَهُ أَنَّ السَّائِبَ بْنَ خَبَّابٍ، تُوُفِّيَ وَإِنَّ امْرَأَتَهُ جَاءَتْ إِلَى عَبْدِ اللَّهِ بْنِ عُمَرَ فَذَكَرَتْ لَهُ وَفَاةَ زَوْجِهَا وَذَكَرَتْ لَهُ حَرْثًا لَهُمْ بِقَنَاةَ وَسَأَلَتْهُ هَلْ يَصْلُحُ لَهَا أَنْ تَبِيتَ فِيهِ فَنَهَاهَا عَنْ ذَلِكَ فَكَانَتْ تَخْرُجُ مِنَ الْمَدِينَةِ سَحَرًا فَتُصْبِحُ فِي حَرْثِهِمْ فَتَظَلُّ فِيهِ يَوْمَهَا ثُمَّ تَدْخُلُ الْمَدِينَةَ إِذَا أَمْسَتْ فَتَبِيتُ فِي بَيْتِهَا .

USC-MSA web (English) reference : Book 29, Hadith 88
Arabic reference : Book 29, Hadith 1252

Yahya related to me from Malik that Hisham ibn Urwa said about a Bedouin woman whose husband died, that she was to stay where her people stayed.

Malik said, "This is what is done among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ فِي الْمَرْأَةِ الْبَدَوِيَّةِ يُتَوَفَّى عَنْهَا زَوْجُهَا إِنَّهَا تَنْتَوِي حَيْثُ انْتَوَى أَهْلُهَا . قَالَ مَالِكٌ وَهَذَا الأَمْرُ عِنْدَنَا .

USC-MSA web (English) reference : Book 29, Hadith 89
Arabic reference : Book 29, Hadith 1253

Yahya related to me from Malik from Nafi that Abdullan ibn Umar said, "The only place a woman whose husband has died and a woman who is absolutely divorced can spend the night is in their houses."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ لاَ تَبِيتُ الْمُتَوَفَّى عَنْهَا زَوْجُهَا وَلاَ الْمَبْتُوتَةُ إِلاَّ فِي بَيْتِهَا .

USC-MSA web (English) reference : Book 29, Hadith 90
Arabic reference : Book 29, Hadith 1254

Yahya related to me from Malik that Yahya ibn Said said that he had heard al-Qasim ibn Muhammad say that Zayd ibn Abd al-Malik separated some men and their wives who were slave-girls who had borne children to men who had died, because they had married them after one or two menstrual periods. He separated them until they had done an idda of four months and ten days. Al-Qasim ibn Muhammad said, "Glory be to Allah! Allah says in His Book, 'Those of you who die, leaving wives, they are not wives.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ سَمِعْتُ الْقَاسِمَ بْنَ مُحَمَّدٍ، يَقُولُ إِنَّ يَزِيدَ بْنَ عَبْدِ الْمَلِكِ فَرَّقَ بَيْنَ رِجَالٍ وَبَيْنَ نِسَائِهِمْ وَكُنَّ أُمَّهَاتِ أَوْلاَدِ رِجَالٍ هَلَكُوا فَتَزَوَّجُوهُنَّ بَعْدَ حَيْضَةٍ أَوْ حَيْضَتَيْنِ فَفَرَّقَ بَيْنَهُمْ حَتَّى يَعْتَدُّونَ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا . فَقَالَ الْقَاسِمُ بْنُ مُحَمَّدٍ سُبْحَانَ اللَّهِ يَقُولُ اللَّهُ فِي كِتَابِهِ {وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا} مَا هُنَّ مِنَ الأَزْوَاجِ .

USC-MSA web (English) reference : Book 29, Hadith 91
Arabic reference : Book 29, Hadith 1255

Malik related to me from Nafi that Abdullah ibn Umar said, "The idda of an umm walad when her master dies is one menstrual period."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ عِدَّةُ أُمِّ الْوَلَدِ إِذَا تُوُفِّيَ عَنْهَا سَيِّدُهَا حَيْضَةٌ .

USC-MSA web (English) reference : Book 29, Hadith 92
Arabic reference : Book 29, Hadith 1256

Malik said, "This is what is done among us."

Malik added, "If she does not have a menstrual period, her idda is three months."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ كَانَ يَقُولُ عِدَّةُ أُمِّ الْوَلَدِ إِذَا تُوُفِّيَ عَنْهَا سَيِّدُهَا حَيْضَةٌ . قَالَ مَالِكٌ وَهُوَ الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ وَإِنْ لَمْ تَكُنْ مِمَّنْ تَحِيضُ فَعِدَّتُهَا ثَلاَثَةُ أَشْهُرٍ .

USC-MSA web (English) reference : Book 29, Hadith 92
Arabic reference : Book 29, Hadith 1257

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab and Sulayman ibn Yasar said, "The idda of a slave-girl when her husband dies is two months and five days."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، كَانَا يَقُولاَنِ عِدَّةُ الأَمَةِ إِذَا هَلَكَ عَنْهَا زَوْجُهَا شَهْرَانِ وَخَمْسُ لَيَالٍ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 93
Arabic reference : Book 29, Hadith 1258

Yahya related to me the like of that from Malik from Ibn Shihab.

Malik said, about a slave who divorced a slave-girl but did not make it absolute, "He can return to her. If he then dies while she is still in the idda from her divorce, she does the idda of a slave- girl whose husband dies, and it is two months and five days. If she has been set free and he can return to her, and she does not choose to separate after she has been set free, and he dies while she is in the idda from the divorce, she does the idda of a free woman whose husband has died, four months and ten days. That is because the idda of widowhood befell her while she was free, so her idda is the idda of a free woman."
Malik said, "That is what is done among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، مِثْلَ ذَلِكَ ‏.‏ قَالَ مَالِكٌ فِي الْعَبْدِ يُطَلِّقُ الأَمَةَ طَلاَقًا لَمْ يَبُتَّهَا فِيهِ لَهُ عَلَيْهَا فِيهِ الرَّجْعَةُ ثُمَّ يَمُوتُ وَهِيَ فِي عِدَّتِهَا مِنْ طَلاَقِهِ إِنَّهَا تَعْتَدُّ عِدَّةَ الأَمَةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا شَهْرَيْنِ وَخَمْسَ لَيَالٍ وَإِنَّهَا إِنْ عَتَقَتْ وَلَهُ عَلَيْهَا رَجْعَةٌ ثُمَّ لَمْ تَخْتَرْ فِرَاقَهُ بَعْدَ الْعِتْقِ حَتَّى يَمُوتَ وَهِيَ فِي عِدَّتِهَا مِنْ طَلاَقِهِ اعْتَدَّتْ عِدَّةَ الْحُرَّةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا وَذَلِكَ أَنَّهَا إِنَّمَا وَقَعَتْ عَلَيْهَا عِدَّةُ الْوَفَاةِ بَعْدَ مَا عَتَقَتْ فَعِدَّتُهَا عِدَّةُ الْحُرَّةِ ‏.‏ قَالَ مَالِكٌ وَهَذَا الأَمْرُ عِنْدَنَا ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 94
Arabic reference : Book 29, Hadith 1259

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman from Muhammad ibn Yahya ibn Habban that Ibn Muhayriz said, "I went into the mosque and saw Abu Said al-Khudri and so I sat by him and asked him about coitus interruptus. Abu Said al-Khudri said, 'We went out with the Messenger of Allah, may Allah bless him and grant him peace, on the expedition to the Banu al-Mustaliq. We took some Arabs prisoner, and we desired the women as celibacy was hard for us. We wanted the ransom, so we wanted to practise coitus interruptus. We said, 'Shall we practise coitus interruptus while the Messenger of Allah, may Allah bless him and grant him peace, is among us before we ask him?' We asked him about that and he said, 'You don't have to not do it. There is no self which is to come into existence up to the Day of Rising but that it will come into existence.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ ابْنِ مُحَيْرِيزٍ، أَنَّهُ قَالَ دَخَلْتُ الْمَسْجِدَ فَرَأَيْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ فَجَلَسْتُ إِلَيْهِ فَسَأَلْتُهُ عَنِ الْعَزْلِ، فَقَالَ أَبُو سَعِيدٍ الْخُدْرِيُّ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي غَزْوَةِ بَنِي الْمُصْطَلِقِ فَأَصَبْنَا سَبْيًا مِنْ سَبْىِ الْعَرَبِ فَاشْتَهَيْنَا النِّسَاءَ وَاشْتَدَّتْ عَلَيْنَا الْعُزْبَةُ وَأَحْبَبْنَا الْفِدَاءَ فَأَرَدْنَا أَنْ نَعْزِلَ فَقُلْنَا نَعْزِلُ وَرَسُولُ اللَّهِ صلى الله عليه وسلم بَيْنَ أَظْهُرِنَا قَبْلَ أَنْ نَسْأَلَهُ ‏.‏ فَسَأَلْنَاهُ عَنْ ذَلِكَ فَقَالَ ‏"‏ مَا عَلَيْكُمْ أَنْ لاَ تَفْعَلُوا مَا مِنْ نَسَمَةٍ كَائِنَةٍ إِلَى يَوْمِ الْقِيَامَةِ إِلاَّ وَهِيَ كَائِنَةٌ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 95
Arabic reference : Book 29, Hadith 1260

Yahya related to me from Malik from Abu'n-Nadr, the mawla of Umar ibn Ubaydullah from Amir ibn Sad ibn Abi Waqqas from his father that he used to practise coitus interruptus.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ عَامِرِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَعْزِلُ .

USC-MSA web (English) reference : Book 29, Hadith 96
Arabic reference : Book 29, Hadith 1261

Yahya related to me from Malik from Abu'n-Nadr, the mawla of Umar ibn Ubaydullah from Ibn Aflah, the mawla of Abu Ayyub al-Ansari from an umm walad of Abu Ayyubal-Ansari that he practised coitus interruptus.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنِ ابْنِ أَفْلَحَ، مَوْلَى أَبِي أَيُّوبَ الأَنْصَارِيِّ عَنْ أُمِّ وَلَدٍ، لأَبِي أَيُّوبَ الأَنْصَارِيِّ أَنَّهُ كَانَ يَعْزِلُ .

USC-MSA web (English) reference : Book 29, Hadith 97
Arabic reference : Book 29, Hadith 1262

Yahya related to me from Malik from Nafi that Abdullah ibn Umar did not practise coitus interruptus and thought that it was disapproved.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ لاَ يَعْزِلُ وَكَانَ يَكْرَهُ الْعَزْلَ .

USC-MSA web (English) reference : Book 29, Hadith 98
Arabic reference : Book 29, Hadith 1263

Yahya related to me from Malik from Damra ibn Said al-Mazini from al-Hajjaj ibn Amr ibn Ghaziya that he was sitting with Zayd ibn Thabit when Ibn Fahd came to him. He was from the Yemen. He said, "Abu Said! I have slave-girls. None of the wives in my keep are more pleasing to me than them, and not all of them please me so much that I want a child by them, shall I then practise coitus interruptus?" Zayd ibn Thabit said, "Give an opinion, Hajjaj!" "I said, 'May Allah forgive you! We sit with you in order to learn from you!' He said, 'Give an opinion! 'I said, 'She is your field, if you wish, water it, and if you wish, leave it thirsty. I heard that from Zayd.' Zayd said, 'He has spoken the truth.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ضَمْرَةَ بْنِ سَعِيدٍ الْمَازِنِيِّ، عَنِ الْحَجَّاجِ بْنِ عَمْرِو بْنِ غَزِيَّةَ، أَنَّهُ كَانَ جَالِسًا عِنْدَ زَيْدِ بْنِ ثَابِتٍ فَجَاءَهُ ابْنُ قَهْدٍ - رَجُلٌ مِنْ أَهْلِ الْيَمَنِ - فَقَالَ يَا أَبَا سَعِيدٍ إِنَّ عِنْدِي جَوَارِيَ لِي لَيْسَ نِسَائِي اللاَّتِي أُكِنُّ بِأَعْجَبَ إِلَيَّ مِنْهُنَّ وَلَيْسَ كُلُّهُنَّ يُعْجِبُنِي أَنْ تَحْمِلَ مِنِّي أَفَأَعْزِلُ فَقَالَ زَيْدُ بْنُ ثَابِتٍ أَفْتِهِ يَا حَجَّاجُ . قَالَ فَقُلْتُ يَغْفِرُ اللَّهُ لَكَ إِنَّمَا نَجْلِسُ عِنْدَكَ لِنَتَعَلَّمَ مِنْكَ . قَالَ أَفْتِهِ . قَالَ فَقُلْتُ هُوَ حَرْثُكَ إِنْ شِئْتَ سَقَيْتَهُ وَإِنْ شِئْتَ أَعْطَشْتَهُ . قَالَ وَكُنْتُ أَسْمَعُ ذَلِكَ مِنْ زَيْدٍ فَقَالَ زَيْدٌ صَدَقَ .

USC-MSA web (English) reference : Book 29, Hadith 99
Arabic reference : Book 29, Hadith 1264

Yahya related to me from Malik from Humayd ibn Qays al-Makki that a man called Dhafif said that Ibn Abbas was asked about coitus interruptus. He called a slave-girl of his and said, "Tell them." She was embarrassed. He said, "It is alright, and I do it myself."

Malik said, "A man does not practise coitus interruptus with a free woman unless she gives her permission. There is no harm in practising coitus interruptus with a slave-girl without her permission. Someone who has someone else's slave-girl as a wife, does not practise coitus interruptus with her unless her people give him permission."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدِ بْنِ قَيْسٍ الْمَكِّيِّ، عَنْ رَجُلٍ، يُقَالُ لَهُ ذَفِيفٌ أَنَّهُ قَالَ سُئِلَ ابْنُ عَبَّاسٍ عَنِ الْعَزْلِ فَدَعَا جَارِيَةً لَهُ فَقَالَ أَخْبِرِيهِمْ . فَكَأَنَّهَا اسْتَحْيَتْ . فَقَالَ هُوَ ذَلِكَ أَمَّا أَنَا فَأَفْعَلُهُ . يَعْنِي أَنَّهُ يَعْزِلُ . قَالَ مَالِكٌ لاَ يَعْزِلُ الرَّجُلُ عَنِ الْمَرْأَةِ الْحُرَّةِ إِلاَّ بِإِذْنِهَا وَلاَ بَأْسَ أَنْ يَعْزِلَ عَنْ أَمَتِهِ بِغَيْرِ إِذْنِهَا وَمَنْ كَانَتْ تَحْتَهُ أَمَةُ قَوْمٍ فَلاَ يَعْزِلُ إِلاَّ بِإِذْنِهِمْ .

USC-MSA web (English) reference : Book 29, Hadith 100
Arabic reference : Book 29, Hadith 1265

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from Humayd ibn Nafi that Zaynab bint Abi Salama related these three traditions to him. Zaynab said, "I visited Umm Habiba, the wife of the Prophet, may Allah bless him and grant him peace, when her father Abu Sufyan ibn Harb had died. Umm Habiba called for a yellowy perfume perhaps khaluq or something else. She rubbed the perfume first on a slave-girl and she then wiped it on the sides of her face and said, 'By Allah! I have no need of perfume but I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'It is not halal for a woman who trusts in Allah and the Last Day to abstain from adornment in mourning for someone who has died, for more than three nights, except for four months and ten days for a husband.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، أَنَّهَا أَخْبَرَتْهُ هَذِهِ الأَحَادِيثَ الثَّلاَثَةَ، قَالَتْ زَيْنَبُ دَخَلْتُ عَلَى أُمِّ حَبِيبَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم حِينَ تُوُفِّيَ أَبُوهَا أَبُو سُفْيَانَ بْنُ حَرْبٍ فَدَعَتْ أُمُّ حَبِيبَةَ بِطِيبٍ فِيهِ صُفْرَةٌ خَلُوقٌ أَوْ غَيْرُهُ فَدَهَنَتْ بِهِ جَارِيَةً ثُمَّ مَسَحَتْ بِعَارِضَيْهَا ثُمَّ قَالَتْ وَاللَّهِ مَا لِي بِالطِّيبِ مِنْ حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " لاَ يَحِلُّ لاِمْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الآخِرِ أَنْ تُحِدَّ عَلَى مَيِّتٍ فَوْقَ ثَلاَثِ لَيَالٍ إِلاَّ عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا " .

USC-MSA web (English) reference : Book 29, Hadith 101
Arabic reference : Book 29, Hadith 1266

Zaynab said, "I went to the house of Zaynab bint Jahsh, the wife of the Prophet, may Allah bless him and grant him peace, when her brother had died. She called for perfume and put some on and said, 'By Allah! I have no need of perfume, but I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'It is not halal for a woman who trusts in Allah and the Last Day to abstain from adornment in mourning for someone who has died for more than three nights, except for four months and ten days for a husband.' "

قَالَتْ زَيْنَبُ ثُمَّ دَخَلْتُ عَلَى زَيْنَبَ بِنْتِ جَحْشٍ زَوْجِ النَّبِيِّ صلى الله عليه وسلم حِينَ تُوُفِّيَ أَخُوهَا فَدَعَتْ بِطِيبٍ فَمَسَّتْ مِنْهُ ثُمَّ قَالَتْ وَاللَّهِ مَا لِي بِالطِّيبِ حَاجَةٌ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " لاَ يَحِلُّ لاِمْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الآخِرِ تُحِدُّ عَلَى مَيِّتٍ فَوْقَ ثَلاَثِ لَيَالٍ إِلاَّ عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا " .

USC-MSA web (English) reference : Book 29, Hadith 102
Arabic reference : Book 29, Hadith 1267

Zaynab said, "I heard my mother, Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, say that a woman came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of

Allah! My daughter's husband died, and her eyes are troubling her, can she put kohl on them?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'No' two or three times. Then he said, 'It is only four months and ten days. In the Jahiliyya, none of you threw away the piece of dung until a year had passed.' "

Humayd ibn Nafi said, "I asked Zaynab to explain what 'throwing away the piece of dung at the end of a year' meant. Zaynab said, 'In the Jahiliyya when a woman's husband died, she went into a small tent and dressed in the worst of clothes. She did not touch perfume or anything until a year had passed. Then she was brought an animal - a donkey, a sheep, or a bird, and she would break her idda with it, by rubbing her body against it (taftaddu). Rarely did she break her idda with anything (by rubbing herself against it) but that it died. Then she would come out and would be given a piece of dung. She would throw it away and then return to whatever she wished of perfumes or whatever.' " Malik explained, 'Taftaddu' means to wipe her skin with it in the same way as with a healing charm."

قَالَتْ زَيْنَبُ وَسَمِعْتُ أُمِّي أُمَّ سَلَمَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم تَقُولُ جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّ ابْنَتِي تُوُفِّيَ عَنْهَا زَوْجُهَا وَقَدِ اشْتَكَتْ عَيْنَيْهَا أَفَتَكْحُلُهُمَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ " . مَرَّتَيْنِ أَوْ ثَلاَثًا كُلُّ ذَلِكَ يَقُولُ " لاَ " ثُمَّ قَالَ " إِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا وَقَدْ كَانَتْ إِحْدَاكُنَّ فِي الْجَاهِلِيَّةِ تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ " . قَالَ حُمَيْدُ بْنُ نَافِعٍ فَقُلْتُ لِزَيْنَبَ وَمَا تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ فَقَالَتْ زَيْنَبُ كَانَتِ الْمَرْأَةُ إِذَا تُوُفِّيَ عَنْهَا زَوْجُهَا دَخَلَتْ حِفْشًا وَلَبِسَتْ شَرَّ ثِيَابِهَا وَلَمْ تَمَسَّ طِيبًا وَلاَ شَيْئًا حَتَّى تَمُرَّ بِهَا سَنَةٌ ثُمَّ تُؤْتَى بِدَابَّةٍ حِمَارٍ أَوْ شَاةٍ أَوْ طَيْرٍ فَتَفْتَضُّ بِهِ فَقَلَّمَا تَفْتَضُّ بِشَىْءٍ إِلاَّ مَاتَ ثُمَّ تَخْرُجُ فَتُعْطَى بَعْرَةً فَتَرْمِي بِهَا ثُمَّ تُرَاجِعُ بَعْدُ مَا شَاءَتْ مِنْ طِيبٍ أَوْ غَيْرِهِ .

USC-MSA web (English) reference : Book 29, Hadith 103
Arabic reference : Book 29, Hadith 1268

Yahya related to me from Malik from Nafi from Safiyya bint Abi Ubayd from A'isha and Hafsa, the wives of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said, "It is not halal for a woman in mourning for someone who has died, if she trusts in Allah and the Last Day, to abstain from adornment for more than three nights, except for a husband."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ، عَنْ عَائِشَةَ، وَحَفْصَةَ، زَوْجَىِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَحِلُّ لاِمْرَأَةٍ تُؤْمِنُ

USC-MSA web (English) reference : Book 29, Hadith 104
Arabic reference : Book 29, Hadith 1269

Yahya related to me from Malik that he had heard that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, said to a woman in mourning for her husband whose eyes were troubling her and the pain had become very strong, "Apply jala kohl at night and wipe it off in the day."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أُمَّ سَلَمَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم قَالَتْ لاِمْرَأَةٍ حَادٍّ عَلَى زَوْجِهَا اشْتَكَتْ عَيْنَيْهَا فَبَلَغَ ذَلِكَ مِنْهَا اكْتَحِلِي بِكُحْلِ الْجِلاَءِ بِاللَّيْلِ وَامْسَحِيهِ بِالنَّهَارِ .

USC-MSA web (English) reference : Book 29, Hadith 105
Arabic reference : Book 29, Hadith 1270

Yahya related to me from Malik that he had heard that Salim ibn Abdullah and Sulayman ibn Yasar said that if a woman whose husband had died feared that an inflammation of her eyes might affect her sight or that some

complaint might befall her, she should put kohl on and seek a remedy with kohl or some other cure even if it had perfume in it.

Malik said, "If there is a necessity, the deen of Allah is ease."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، وَسُلَيْمَانَ بْنِ يَسَارٍ، أَنَّهُمَا كَانَا يَقُولاَنِ فِي الْمَرْأَةِ يُتَوَفَّى عَنْهَا زَوْجُهَا إِنَّهَا إِذَا خَشِيَتْ عَلَى بَصَرِهَا مِنْ رَمَدٍ أَوْ شَكْوٍ أَصَابَهَا إِنَّهَا تَكْتَحِلُ وَتَتَدَاوَى بِدَوَاءٍ أَوْ كُحْلٍ وَإِنْ كَانَ فِيهِ طِيبٌ . قَالَ مَالِكٌ وَإِذَا كَانَتِ الضَّرُورَةُ فَإِنَّ دِينَ اللَّهِ يُسْرٌ .

USC-MSA web (English) reference : Book 29, Hadith 106
Arabic reference : Book 29, Hadith 1271

Yahya related to me from Malik from Nafic that Saffiyya bint Abi Ubayd suffered from an eye-complaint while she was in mourning for her husband, Abdullah ibn Umar. She did not apply kohl until her eyes almost had ramas (a dry white secretion in the corners of the eye).

Malik said, "A woman whose husband has died should anoint her eyes with olive oil and sesame oil and the like of that since there is no perfume in it."
Malik said, "A woman in mourning for her husband should not put on any jewellery - rings, anklets, or such- like, neither should she dress in any sort of colourful, striped garment unless it is coarse. She should not wear any cloth dyed with anything except black, and she should only dress her hair with things like lotus-tree leaves which do not dye the hair."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ صَفِيَّةَ بِنْتَ أَبِي عُبَيْدٍ، اشْتَكَتْ عَيْنَيْهَا وَهِيَ حَادٌّ عَلَى زَوْجِهَا عَبْدِ اللَّهِ بْنِ عُمَرَ فَلَمْ تَكْتَحِلْ حَتَّى كَادَتْ عَيْنَاهَا تَرْمَصَانِ . قَالَ مَالِكٌ تَدَّهِنُ الْمُتَوَفَّى عَنْهَا زَوْجُهَا بِالزَّيْتِ وَالشَّبْرَقِ وَمَا أَشْبَهَ ذَلِكَ إِذَا لَمْ يَكُنْ فِيهِ طِيبٌ . قَالَ مَالِكٌ وَلاَ تَلْبَسُ الْمَرْأَةُ الْحَادُّ عَلَى زَوْجِهَا شَيْئًا مِنَ الْحَلْىِ خَاتَمًا وَلاَ خَلْخَالاً وَلاَ غَيْرَ ذَلِكَ مِنَ الْحَلْىِ وَلاَ تَلْبَسُ شَيْئًا مِنَ الْعَصْبِ إِلاَّ أَنْ يَكُونَ عَصْبًا غَلِيظًا وَلاَ تَلْبَسُ ثَوْبًا مَصْبُوغًا بِشَىْءٍ مِنَ الصِّبْغِ إِلاَّ بِالسَّوَادِ وَلاَ تَمْتَشِطُ إِلاَّ بِالسِّدْرِ وَمَا أَشْبَهَهُ مِمَّا لاَ يَخْتَمِرُ فِي رَأْسِهَا .

USC-MSA web (English) reference : Book 29, Hadith 107
Arabic reference : Book 29, Hadith 1272

108 Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, visited Umm Salama while she was in mourning for Abu Salama and she had put aloes on her eyes. He said, "What is this, Umm Salama?" She said, "It is only aloes, Messenger of Allah." He said, "Put it on at night and wipe it off in the daytime."

Malik said, "The mourning of a young girl who has not yet had a menstrual period takes the same form as the mourning of one who has had a period. She avoids what a mature woman avoids if her husband dies."
Malik said, "A slave-girl mourns her husband when he dies for two months and five nights like her idda."
Malik said, "An umm walad does not have to mourn when her master dies, and a slave-girl does not have to mourn when her master dies. Mourning is for those with husbands."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم دَخَلَ عَلَى أُمِّ سَلَمَةَ وَهِيَ حَادٌّ عَلَى أَبِي سَلَمَةَ وَقَدْ جَعَلَتْ عَلَى عَيْنَيْهَا صَبِرًا فَقَالَ " مَا هَذَا يَا أُمَّ سَلَمَةَ " . فَقَالَتْ إِنَّمَا هُوَ صَبِرٌ يَا رَسُولَ اللَّهِ . قَالَ " اجْعَلِيهِ فِي اللَّيْلِ وَامْسَحِيهِ بِالنَّهَارِ " .

USC-MSA web (English) reference : Book 29, Hadith 108
Arabic reference : Book 29, Hadith 1273

Yahya related to me from Malik that he had heard that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, said, "A mourning woman can rub her head with lotus leaves and olive oil."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أُمَّ سَلَمَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تَقُولُ تَجْمَعُ الْحَادُّ رَأْسَهَا بِالسِّدْرِ وَالزَّيْتِ ‏.‏

USC-MSA web (English) reference : Book 29, Hadith 109
Arabic reference : Book 29, Hadith 1274

30 - Suckling كتاب الرضاع

Yahya related to me from Malik from Abdullah ibn Abi Bakr from Amra bint Abd ar-Rahman that A'isha, umm al-muminin informed her that the Messenger of Allah, may Allah bless him and grant him peace, was with her and she heard the voice of a man asking permission to enter the room of Hafsa. A'isha said that she had said, "Messenger of Allah! There is a man asking permission to enter your house!" The Messenger of Allah, may Allah bless him and grant him peace, said, "I think it is so-and-so" (referring to a paternal uncle of Hafsa by suckling). A'isha said, "Messenger of Allah! If so-and-so were alive (referring to her paternal uncle by suckling) could he enter where I am?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes. Suckling makes haram as birth makes haram."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ، أَخْبَرَتْهَا أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ عِنْدَهَا وَأَنَّهَا سَمِعَتْ صَوْتَ رَجُلٍ يَسْتَأْذِنُ فِي بَيْتِ حَفْصَةَ قَالَتْ عَائِشَةُ فَقُلْتُ يَا رَسُولَ اللَّهِ هَذَا رَجُلٌ يَسْتَأْذِنُ فِي بَيْتِكَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أُرَاهُ فُلاَنًا " . لِعَمٍّ لِحَفْصَةَ مِنَ الرَّضَاعَةِ . فَقَالَتْ عَائِشَةُ يَا رَسُولَ اللَّهِ لَوْ كَانَ فُلاَنٌ حَيًّا - لِعَمِّهَا مِنَ الرَّضَاعَةِ - دَخَلَ عَلَيَّ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ إِنَّ الرَّضَاعَةَ تُحَرِّمُ مَا تُحَرِّمُ الْوِلاَدَةُ " .

USC-MSA web (English) reference : Book 30, Hadith 1
Arabic reference : Book 30, Hadith 1275

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin said, "My paternal uncle by suckling came to me and I refused to give him permission to enter until I had asked the Messenger of Allah, may Allah bless him and grant him peace, about it. The Messenger of Allah, may Allah bless him and grant him peace, came and I asked him about it. He said, 'He is your paternal uncle, so give him permission.' So I said, 'Messenger of Allah! The woman nursed me not the man.' He said, 'He is your paternal uncle, so let him enter.' "

A'isha said, "That was after the veil had been imposed on us."
A'isha added, "What is haram by birth is made haram by suckling."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا قَالَتْ جَاءَ عَمِّي مِنَ الرَّضَاعَةِ يَسْتَأْذِنُ عَلَىَّ فَأَبَيْتُ أَنْ آذَنَ لَهُ عَلَىَّ حَتَّى أَسْأَلَ رَسُولَ اللَّهِ صلى الله عليه وسلم عَنْ ذَلِكَ فَجَاءَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَسَأَلْتُهُ عَنْ ذَلِكَ فَقَالَ " إِنَّهُ عَمُّكِ فَأْذَنِي لَهُ " . قَالَتْ فَقُلْتُ يَا رَسُولَ اللَّهِ إِنَّمَا أَرْضَعَتْنِي الْمَرْأَةُ وَلَمْ يُرْضِعْنِي الرَّجُلُ . فَقَالَ " إِنَّهُ عَمُّكِ فَلْيَلِجْ عَلَيْكِ " . قَالَتْ عَائِشَةُ وَذَلِكَ بَعْدَ مَا ضُرِبَ عَلَيْنَا الْحِجَابُ . وَقَالَتْ عَائِشَةُ يَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ الْوِلاَدَةِ .

USC-MSA web (English) reference : Book 30, Hadith 2
Arabic reference : Book 30, Hadith 1276

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr that A'isha umm al-muminin told him that Aflah, the brother of Abu'l-Quays came and asked permission to visit her after the veil had been lowered, and he was her paternal uncle by suckling. She said, "I refusedto give him permission to enter. When the Messenger of Allah, may Allah bless him and grant him peace, came, I told him about what I had done, and he ordered me to give him permission to enter."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا أَخْبَرَتْهُ أَنَّ أَفْلَحَ أَخَا أَبِي الْقُعَيْسِ جَاءَ يَسْتَأْذِنُ عَلَيْهَا وَهُوَ عَمُّهَا مِنَ الرَّضَاعَةِ بَعْدَ أَنْ أُنْزِلَ الْحِجَابُ قَالَتْ فَأَبَيْتُ أَنْ آذَنَ لَهُ عَلَىَّ فَلَمَّا جَاءَ رَسُولُ اللَّهِ صلى الله عليه وسلم أَخْبَرْتُهُ بِالَّذِي صَنَعْتُ فَأَمَرَنِي أَنْ آذَنَ لَهُ عَلَىَّ ‏.‏

USC-MSA web (English) reference : Book 30, Hadith 3
Arabic reference : Book 30, Hadith 1277

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili that Abdullah ibn Abbas said, "The milk which a child under two years old sucks, even if it is only one suck, makes the foster relatives haram."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ كَانَ يَقُولُ مَا كَانَ فِي الْحَوْلَيْنِ وَإِنْ كَانَ مَصَّةً وَاحِدَةً فَهُوَ يُحَرِّمُ ‏.‏

USC-MSA web (English) reference : Book 30, Hadith 4
Arabic reference : Book 30, Hadith 1278

Yahya related to me from Malik from Ibn Shihab from Amr ibn ash- Sharid that Abdullah ibn Abbas was asked whether, if a man had two wives, and one of them nursed a slave-boy, and the other had nursed a slave-girl, could the slave-boy marry the slave-girl. He said, "No. The husband is the same."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَمْرِو بْنِ الشَّرِيدِ، أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، سُئِلَ عَنْ رَجُلٍ، كَانَتْ لَهُ امْرَأَتَانِ فَأَرْضَعَتْ إِحْدَاهُمَا غُلاَمًا وَأَرْضَعَتِ الأُخْرَى جَارِيَةً فَقِيلَ لَهُ هَلْ يَتَزَوَّجُ الْغُلاَمُ الْجَارِيَةَ فَقَالَ لاَ اللِّقَاحُ وَاحِدٌ ‏.‏

USC-MSA web (English) reference : Book 30, Hadith 5
Arabic reference : Book 30, Hadith 1279

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "There is no kinship by suckling except for a person who is nursed when he is small. There is no kinship by suckling over the age of two years."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ لاَ رَضَاعَةَ إِلاَّ لِمَنْ أُرْضِعَ فِي الصِّغَرِ وَلاَ رَضَاعَةَ لِكَبِيرٍ ‏.‏

USC-MSA web (English) reference : Book 30, Hadith 6
Arabic reference : Book 30, Hadith 1280

Yahya related to me from Malik from Nafi that Salim ibn Abdullah ibn Umar informed him that A'isha umm al-muminin sent him away while he was being nursed to her sister Umm Kulthum bint Abi Bakr as-Siddiq and said, "Suckle him ten times so that he can come in to see me."

Salim said, "Umm Kulthum nursed me three times and then fell ill, so that she only nursed me three times. I could not go in to see A'isha because Umm Kulthum did not finish for me the ten times."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ سَالِمَ بْنَ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَخْبَرَهُ أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ أَرْسَلَتْ بِهِ وَهُوَ يَرْضَعُ إِلَى أُخْتِهَا أُمِّ كُلْثُومٍ بِنْتِ أَبِي بَكْرٍ الصِّدِّيقِ فَقَالَتْ أَرْضِعِيهِ عَشْرَ رَضَعَاتٍ حَتَّى يَدْخُلَ عَلَىَّ ‏.‏ قَالَ سَالِمٌ فَأَرْضَعَتْنِي أُمُّ كُلْثُومٍ ثَلاَثَ رَضَعَاتٍ ثُمَّ مَرِضَتْ فَلَمْ تُرْضِعْنِي غَيْرَ ثَلاَثِ رَضَعَاتٍ فَلَمْ أَكُنْ أَدْخُلُ عَلَى عَائِشَةَ مِنْ أَجْلِ أَنَّ أُمَّ كُلْثُومٍ لَمْ تُتِمَّ لِي عَشْرَ رَضَعَاتٍ ‏.‏

USC-MSA web (English) reference : Book 30, Hadith 7

Arabic reference : Book 30, Hadith 1281

Yahya related to me from Malik from Nafi that Safiyya bint Abi Ubayd told him that Hafsa, umm al-muminin, sent Asim ibn Abdullah ibn Sad to her sister Fatima bint Umar ibn al-Khattab for her to suckle him ten times so that he could come in to see her. She did it, so he used to come in to see her.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ صَفِيَّةَ بِنْتَ أَبِي عُبَيْدٍ، أَخْبَرَتْهُ أَنَّ حَفْصَةَ أُمَّ الْمُؤْمِنِينَ أَرْسَلَتْ بِعَاصِمِ بْنِ عَبْدِ اللَّهِ بْنِ سَعْدٍ إِلَى أُخْتِهَا فَاطِمَةَ بِنْتِ عُمَرَ بْنِ الْخَطَّابِ تُرْضِعُهُ عَشْرَ رَضَعَاتٍ لِيَدْخُلَ عَلَيْهَا وَهُوَ صَغِيرٌ يَرْضَعُ فَفَعَلَتْ فَكَانَ يَدْخُلُ عَلَيْهَا .

USC-MSA web (English) reference : Book 30, Hadith 8
Arabic reference : Book 30, Hadith 1282

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that his father told him that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, admitted those whom her sisters and the daughters of her brother had nursed, and she did not admit those who were nursed by the wives of her brothers.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّهُ أَخْبَرَهُ أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَ يَدْخُلُ عَلَيْهَا مَنْ أَرْضَعَتْهُ أَخَوَاتُهَا وَبَنَاتُ أَخِيهَا وَلاَ يَدْخُلُ عَلَيْهَا مَنْ أَرْضَعَهُ نِسَاءُ إِخْوَتِهَا .

USC-MSA web (English) reference : Book 30, Hadith 9
Arabic reference : Book 30, Hadith 1283

Yahya related to me from Malik that Ibrahim ibn Uqba asked Said ibn al-Musayyab about suckling. Said said, "All that occurs in the first two years, even if it is only a drop, makes haram. Whatever is after two years, is only food that is eaten."

Ibrahim ibn Uqba said, "Then I asked Urwa ibn az-Zubayr and he told me the same as what Said ibn al-Musayyab said."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِبْرَاهِيمَ بْنِ عُقْبَةَ، أَنَّهُ سَأَلَ سَعِيدَ بْنَ الْمُسَيَّبِ عَنِ الرَّضَاعَةِ، فَقَالَ سَعِيدٌ كُلُّ مَا كَانَ فِي الْحَوْلَيْنِ وَإِنْ كَانَتْ قَطْرَةً وَاحِدَةً فَهُوَ يُحَرِّمُ وَمَا كَانَ بَعْدَ الْحَوْلَيْنِ فَإِنَّمَا هُوَ طَعَامٌ يَأْكُلُهُ . قَالَ إِبْرَاهِيمُ بْنُ عُقْبَةَ ثُمَّ سَأَلْتُ عُرْوَةَ بْنَ الزُّبَيْرِ فَقَالَ مِثْلَ مَا قَالَ سَعِيدُ بْنُ الْمُسَيَّبِ .

USC-MSA web (English) reference : Book 30, Hadith 10
Arabic reference : Book 30, Hadith 1284

Yahya related to me from Malik that Yahya ibn Said said that he heard Said ibn al-Musayyab say, "Suckling is only while the child is in the cradle. If not, it does not cause flesh and blood relations."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ لاَ رَضَاعَةَ إِلاَّ مَا كَانَ فِي الْمَهْدِ وَإِلاَّ مَا أَنْبَتَ اللَّحْمَ وَالدَّمَ .

USC-MSA web (English) reference : Book 30, Hadith 11
Arabic reference : Book 30, Hadith 1285

Yahya related to me from Malik from Ibn Shihab that he said, "Suckling however little or much, makes haram. Kinship by suckling makes men mahram."

Yahya said that he had heard Malik say, "Suckling, however little or much when it is in the first two years, makes haram. As for what is after the first two years, little or much, it does not make anything haram. It is like food."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ كَانَ يَقُولُ الرَّضَاعَةُ قَلِيلُهَا وَكَثِيرُهَا تُحَرِّمُ وَالرَّضَاعَةُ مِنْ قِبَلِ الرِّجَالِ تُحَرِّمُ . قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا يَقُولُ الرَّضَاعَةُ قَلِيلُهَا وَكَثِيرُهَا إِذَا كَانَ فِي الْحَوْلَيْنِ تُحَرِّمُ فَأَمَّا مَا كَانَ بَعْدَ الْحَوْلَيْنِ فَإِنَّ قَلِيلَهُ وَكَثِيرَهُ لاَ يُحَرِّمُ شَيْئًا وَإِنَّمَا هُوَ بِمَنْزِلَةِ الطَّعَامِ .

USC-MSA web (English) reference : Book 30, Hadith 11
Arabic reference : Book 30, Hadith 1286

Yahya related to me from Malik from Ibn Shihab that he was asked about the suckling of an older person. He said, ''Urwa ibn az-Zubayr informed me that Abu Hudhayfa ibn Utba ibn Rabia, one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, who was present at Badr, adopted Salim (who is called Salim, the mawla of Abu Hudhayfa) as the Messenger of Allah, may Allah bless him and grant him peace, adopted Zayd ibn Haritha. He thought of him as his son, and Abu Hudhayfa married him to his brother's sister, Fatima bint al-Walid ibn Utba ibn Rabia, who was at that time among the first emigrants. She was one of the best unmarried women of the Quraysh. When Allah the Exalted sent down in His Book what He sent down about Zayd ibn Haritha, 'Call them after their true fathers. That is more equitable in the sight of Allah. If you do not know who their fathers were then they are your brothers in the deen and your mawali,' (Sura 33 ayat 5) people in this position were traced back to their fathers. When the father was not known, they were traced to their mawla.

"Sahla bint Suhayl who was the wife of Abu Hudhayfa, and one of the tribe of Amr ibn Luayy, came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah! We think of Salim as a son and he comes in to see me while I am uncovered. We only have one room, so what do you think about the situation?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Give him five drinks of your milk and he will be mahram by it.' She then saw him as a foster son. A'isha umm al-muminin took that as a precedent for whatever men she wanted to be able to come to see her. She ordered her sister, Umm Kulthum bint Abi Bakr as-Siddiq and the daughters of her brother to give milk to whichever men she wanted to be able to come in to see her. The rest of the wives of the Prophet, may Allah bless him and grant him peace, refused to let anyone come in to them by such nursing. They said, 'No! By Allah! We think that what the Messenger of Allah, may Allah bless him and grant him peace, ordered Sahla bint Suhayl to do was only an indulgence concerning the nursing of Salim alone. No! By Allah! No one will come in upon us by such nursing!'
"This is what the wives of the Prophet, may Allah bless him and grant him peace, thought about the suckling of an older person."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ سُئِلَ عَنْ رَضَاعَةِ الْكَبِيرِ، فَقَالَ أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ، أَنَّ أَبَا حُذَيْفَةَ بْنَ عُتْبَةَ بْنِ رَبِيعَةَ، وَكَانَ، مِنْ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم وَكَانَ قَدْ شَهِدَ بَدْرًا وَكَانَ تَبَنَّى سَالِمًا الَّذِي يُقَالُ لَهُ سَالِمٌ مَوْلَى أَبِي حُذَيْفَةَ كَمَا تَبَنَّى رَسُولُ اللَّهِ صلى الله عليه وسلم زَيْدَ بْنَ حَارِثَةَ وَأَنْكَحَ أَبُو حُذَيْفَةَ سَالِمًا وَهُوَ يَرَى أَنَّهُ ابْنُهُ أَنْكَحَهُ بِنْتَ أَخِيهِ فَاطِمَةَ بِنْتَ الْوَلِيدِ بْنِ عُتْبَةَ بْنِ رَبِيعَةَ وَهِيَ يَوْمَئِذٍ مِنَ الْمُهَاجِرَاتِ الأُوَلِ وَهِيَ مِنْ أَفْضَلِ أَيَامَى قُرَيْشٍ فَلَمَّا أَنْزَلَ اللَّهُ تَعَالَى فِي كِتَابِهِ فِي زَيْدِ بْنِ حَارِثَةَ مَا أَنْزَلَ فَقَالَ {ادْعُوهُمْ لآبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَإِخْوَانُكُمْ فِي الدِّينِ وَمَوَالِيكُمْ} رُدَّ كُلُّ وَاحِدٍ مِنْ أُولَئِكَ إِلَى أَبِيهِ فَإِنْ لَمْ يُعْلَمْ أَبُوهُ رُدَّ إِلَى مَوْلاَهُ فَجَاءَتْ سَهْلَةُ بِنْتُ سُهَيْلٍ وَهِيَ امْرَأَةُ أَبِي حُذَيْفَةَ وَهِيَ مِنْ بَنِي عَامِرِ بْنِ لُؤَىٍّ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَتْ يَا رَسُولَ اللَّهِ كُنَّا نَرَى سَالِمًا وَلَدًا وَكَانَ يَدْخُلُ عَلَىَّ وَأَنَا فُضُلٌ

وَلَيْسَ لَنَا إِلاَّ بَيْتٌ وَاحِدٌ فَمَاذَا تَرَى فِي شَأْنِهِ فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " أَرْضِعِيهِ خَمْسَ رَضَعَاتٍ فَيَحْرُمُ بِلَبَنِهَا " . وَكَانَتْ تَرَاهُ ابْنًا مِنَ الرَّضَاعَةِ فَأَخَذَتْ بِذَلِكَ عَائِشَةُ أُمُّ الْمُؤْمِنِينَ فِيمَنْ كَانَتْ تُحِبُّ أَنْ يَدْخُلَ عَلَيْهَا مِنَ الرِّجَالِ فَكَانَتْ تَأْمُرُ أُخْتَهَا أُمَّ كُلْثُومٍ بِنْتَ أَبِي بَكْرٍ الصِّدِّيقِ وَبَنَاتِ أَخِيهَا أَنْ يُرْضِعْنَ مَنْ أَحَبَّتْ أَنْ يَدْخُلَ عَلَيْهَا مِنَ الرِّجَالِ وَأَبَى سَائِرُ أَزْوَاجِ النَّبِيِّ صلى الله عليه وسلم أَنْ يَدْخُلَ عَلَيْهِنَّ بِتِلْكَ الرَّضَاعَةِ أَحَدٌ مِنَ النَّاسِ وَقُلْنَ لاَ وَاللَّهِ مَا نَرَى الَّذِي أَمَرَ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم سَهْلَةَ بِنْتَ سُهَيْلٍ إِلاَّ رُخْصَةً مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي رَضَاعَةِ سَالِمٍ وَحْدَهُ لاَ وَاللَّهِ لاَ يَدْخُلُ عَلَيْنَا بِهَذِهِ الرَّضَاعَةِ أَحَدٌ فَعَلَى هَذَا كَانَ أَزْوَاجُ النَّبِيِّ صلى الله عليه وسلم فِي رَضَاعَةِ الْكَبِيرِ .

USC-MSA web (English) reference : Book 30, Hadith 12
Arabic reference : Book 30, Hadith 1287

Yahya related to me from Malik that Abdullah ibn Dinar said, "A man came to Abdullah ibn Umar when I waswith him at the place where judgments were given and asked him about the suckling of an older person. Abdullah ibn Umar replied, 'A man came to Umar ibn al-Khattab and said, 'I have a slave-girl and I used to have intercourse with her. My wife went to her and suckled her. When I went to the girl, my wife told me to watch out, because she had suckled her!' Umar told him to beat his wife and to go to his slave-girl because kinship by suckling was only by the suckling of the young.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّهُ قَالَ جَاءَ رَجُلٌ إِلَى عَبْدِ اللَّهِ بْنِ عُمَرَ وَأَنَا مَعَهُ عِنْدَ دَارِ الْقَضَاءِ يَسْأَلُهُ عَنْ رَضَاعَةِ الْكَبِيرِ فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ جَاءَ رَجُلٌ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ إِنِّي كَانَتْ لِي وَلِيدَةٌ وَكُنْتُ أَطَؤُهَا فَعَمَدَتِ امْرَأَتِي إِلَيْهَا فَأَرْضَعَتْهَا فَدَخَلْتُ عَلَيْهَا فَقَالَتْ دُونَكَ فَقَدْ وَاللَّهِ أَرْضَعْتُهَا . فَقَالَ عُمَرُ أَوْجِعْهَا وَأْتِ جَارِيَتَكَ فَإِنَّمَا الرَّضَاعَةُ رَضَاعَةُ الصَّغِيرِ .

USC-MSA web (English) reference : Book 30, Hadith 13
Arabic reference : Book 30, Hadith 1288

Yahya related to me from Malik from Yahya ibn Said that a man said to Abu Musa al-Ashari, "I drank some milk from my wife's breasts and it went into my stomach." Abu Musa said, "I can only but think that she is haram for you." Abdullah ibn Masud said, "Look at what opinion you are giving the man." Abu Musa said, "Then what do you say?" Abdullah ibn Masud said, "There is only kinship by suckling in the first two years."

Abu Musa said, "Do not ask me about anything while this learned man is among you."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَجُلاً، سَأَلَ أَبَا مُوسَى الأَشْعَرِيَّ فَقَالَ إِنِّي مَصِصْتُ عَنِ امْرَأَتِي، مِنْ ثَدْيِهَا لَبَنًا فَذَهَبَ فِي بَطْنِي فَقَالَ أَبُو مُوسَى لاَ أُرَاهَا إِلاَّ قَدْ حَرُمَتْ عَلَيْكَ . فَقَالَ عَبْدُ اللَّهِ بْنُ مَسْعُودٍ انْظُرْ مَاذَا تُفْتِي بِهِ الرَّجُلَ فَقَالَ أَبُو مُوسَى فَمَاذَا تَقُولُ أَنْتَ فَقَالَ عَبْدُ اللَّهِ بْنُ مَسْعُودٍ لاَ رَضَاعَةَ إِلاَّ مَا كَانَ فِي الْحَوْلَيْنِ . فَقَالَ أَبُو مُوسَى لاَ تَسْأَلُونِي عَنْ شَىْءٍ مَا كَانَ هَذَا الْحَبْرُ بَيْنَ أَظْهُرِكُمْ .

USC-MSA web (English) reference : Book 30, Hadith 14
Arabic reference : Book 30, Hadith 1289

Yahya related to me from Malik from Abdullah ibn Dinar from Sulayman ibn Yasar and from Urwa ibn az-Zubayr from A'isha umm al- muminin, that the Messenger of Allah, may Allah bless him and grant him peace, said, " What is haram by birth is haram by suckling."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " يَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ الْوِلاَدَةِ " .

USC-MSA web (English) reference : Book 30, Hadith 15
Arabic reference : Book 30, Hadith 1290

Yahya related to me from Malik that Muhammad ibn Abd ar-Rahman ibn Nawfal said, "Urwa ibn az-Zubayr informed me from A'isha umm al- muminin that Judama bint Wahb al-Asadiyya informed her that she heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'I intended to prohibit ghila but I remembered that the Greeks and Persians do that without it causing any injury to their children.' "

Malik explained, "Ghila is that a man has intercourse with his wife while she is suckling."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ نَوْفَلٍ، أَنَّهُ قَالَ أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، عَنْ جُدَامَةَ بِنْتِ وَهْبٍ الأَسَدِيَّةِ، أَنَّهَا أَخْبَرَتْهَا أَنَّهَا، سَمِعَتْ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " لَقَدْ هَمَمْتُ أَنْ أَنْهَى عَنِ الْغِيلَةِ حَتَّى ذَكَرْتُ أَنَّ الرُّومَ وَفَارِسَ يَصْنَعُونَ ذَلِكَ فَلاَ يَضُرُّ أَوْلاَدَهُمْ " .

USC-MSA web (English) reference : Book 30, Hadith 16
Arabic reference : Book 30, Hadith 1291

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazm from Amra bint Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Amongst what was sent down of the Qur'an was 'ten known sucklings make haram' - then it was abrogated by 'five known sucklings'. When the Messenger of Allah, may Allah bless him and grant him peace, died, it was what is now recited of the Qur'an."

Yahya said that Malik said, "One does not act on this."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ كَانَ فِيمَا أُنْزِلَ مِنَ الْقُرْآنِ عَشْرُ رَضَعَاتٍ مَعْلُومَاتٍ يُحَرِّمْنَ ثُمَّ نُسِخْنَ بِخَمْسٍ مَعْلُومَاتٍ فَتُوُفِّيَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَهُوَ فِيمَا يُقْرَأُ مِنَ الْقُرْآنِ .

USC-MSA web (English) reference : Book 30, Hadith 17
Arabic reference : Book 30, Hadith 1292

31 - Business Transactions كتاب البيوع

Yahya related to me from Malik from a reliable source from Amr ibn Shuayb from his father from his father's father that the Messenger of Allah, may Allah bless him and grant him peace, forbade transactions in which nonrefundable deposits were paid.

Malik said, "That is, in our opinion, but Allah knows best, that for instance, a man buys a slave or slave-girl or rents an animal and then says to the person from whom he bought the slave or leased the animal, 'I will give you a dinar or a dirham or whatever on the condition that if I actually take the goods or ride what I have rented from you, then what I have given you already goes towards payment of the goods or hire of the animal. If I do not purchase the goods or hire the animal, then what I have given you is yours without liability on your part.' "

Malik said, "According to the way of doing things with us there is nothing wrong in bartering an arabic speaking merchant slave for abyssinian slaves or any other type that are not his equal in eloquence, trading, shrewdness, and know-how. There is nothing wrong in bartering one slave like this for two or more other slaves with a stated delay in the terms if he is clearly different. If there is no appreciable difference between the slaves, two should not be bartered for one with a stated delay in the terms even if their racial type is different."

Malik said, "There is nothing wrong in selling what has been bought in such a transaction before taking possession of all of it as long as you receive the price for it from some one other than the original owner."

Malik said, "An addition to the price must not be made for a foetus in the womb of its mother when she is sold because that is gharar (an uncertain transaction). It is not known whether the child will be male or female, good-looking or ugly, normal or handicapped, alive or dead. All these things will affect the price."

Malik said that in a transaction where a slave or slave-girl was bought for one hundred dinars with a stated credit period that if the seller regretted the sale there was nothing wrong in him asking the buyer to revoke it for ten dinars which he would pay him immediately or after a period and he would forgo his right to the hundred dinars which he was owed.

Malik said, "However, if the buyer regrets and asks the seller to revoke the sale of a slave or slave-girl in consideration of which he will pay an extra ten dinars immediately or on credit terms, extended beyond the original term, that should not be done. It is disapproved of because it is as if, for instance, the seller is buying the one hundred dinars which is not yet due on a year's credit term before the year expires for a slave-girl and ten dinars to be paid immediately or on credit term longer than the year. This falls into the category of selling gold for gold when delayed terms enter into it."

Malik said that it was not proper for a man to sell a slave-girl to another man for one hundred dinars on credit and then to buy her back for more than the original price or on a credit term longer than the original term for which he sold her. To understand why that was disapproved of in that case, the example of a man who sold a slave-girl on credit and then bought her back on a credit term longer than the original term was looked at. He might have sold her for thirty dinars with a month to pay and then buy her back for sixty dinars with a year or half a year to pay. The outcome would only be that his goods would have returned to him just like they were and the other party would have given him thirty dinars on a month's credit against sixty dinars on a year or half a year's credit. That was not to be done.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ الثِّقَةِ، عِنْدَهُ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعِ الْعُرْبَانِ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 1
Arabic reference : Book 31, Hadith 1293

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab said, "If a slave who has wealth is sold, that wealth belongs to the seller unless the buyer stipulates its inclusion."

Malik said, "The generally agreed upon way of doing things among us is that if the buyer stipulates the inclusion of the slave's property whether it be cash, debts, or goods of known or unknown value, then they belong to the buyer, even if the slave possesses more than that for which he was purchased, whether he was bought for cash, as payment for a debt, or in exchange for goods. This is possible because a master is not asked to pay zakat on his slave's property. If a slave has a slave-girl, it is halal for him to have intercourse with her by his right of possession. If a slave is freed or put under contract (kitaba) to purchase his freedom, then his property goes with him. If he becomes bankrupt, his creditors take his property and his master is not liable for any of his debts."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَنْ بَاعَ عَبْدًا وَلَهُ مَالٌ فَمَالُهُ لِلْبَائِعِ إِلاَّ أَنْ يَشْتَرِطَهُ الْمُبْتَاعُ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 2
Arabic reference : Book 31, Hadith 1294

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm that Aban ibn Uthman and Hisham ibn Ismail used to mention in their khutbas built-in liability agreements in the sale of slaves, to cover both a three day period and a similar clause covering a year. Malik explained, "The defects a lave or slave-girl are found to have from the time they are bought until the end of the three days are the responsibility of the seller. The year agreement is to cover insanity, leprosy, and loss of limbs due to disease. After a year, the seller is free from any liability."

Malik said,"An inheritor or someone else who sells a slave or slave-girl without any such built-in guarantee is not responsible for any fault in the slave and there is no liability agreement held against him unless he was aware of a fault and concealed it. If he was aware of a fault, the lack of guarantee does not protect him. The purchase is returned. In our view, built-in liability agreements only apply to the purchase of slaves."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، أَنَّ أَبَانَ بْنَ عُثْمَانَ، وَهِشَامَ بْنَ إِسْمَاعِيلَ، كَانَا يَذْكُرَانِ فِي خُطْبَتِهِمَا عُهْدَةَ الرَّقِيقِ فِي الأَيَّامِ الثَّلاَثَةِ مِنْ حِينِ يُشْتَرَى الْعَبْدُ أَوِ الْوَلِيدَةُ وَعُهْدَةَ السَّنَةِ ‏.‏ قَالَ مَالِكٌ مَا أَصَابَ الْعَبْدُ أَوِ الْوَلِيدَةُ فِي الأَيَّامِ الثَّلاَثَةِ مِنْ حِينِ يُشْتَرَيَانِ حَتَّى تَنْقَضِيَ الأَيَّامُ الثَّلاَثَةُ فَهُوَ مِنَ الْبَائِعِ وَإِنَّ عُهْدَةَ السَّنَةِ مِنَ الْجُنُونِ وَالْجُذَامِ وَالْبَرَصِ فَإِذَا مَضَتِ السَّنَةُ فَقَدْ بَرِئَ الْبَائِعُ مِنَ الْعُهْدَةِ كُلِّهَا ‏.‏ قَالَ مَالِكٌ وَمَنْ بَاعَ عَبْدًا أَوْ وَلِيدَةً مِنْ أَهْلِ الْمِيرَاثِ أَوْ غَيْرِهِمْ بِالْبَرَاءَةِ فَقَدْ بَرِئَ مِنْ كُلِّ عَيْبٍ وَلاَ عُهْدَةَ عَلَيْهِ إِلاَّ أَنْ يَكُونَ عَلِمَ عَيْبًا فَكَتَمَهُ فَإِنْ كَانَ عَلِمَ عَيْبًا فَكَتَمَهُ لَمْ تَنْفَعْهُ الْبَرَاءَةُ وَكَانَ ذَلِكَ الْبَيْعُ مَرْدُودًا وَلاَ عُهْدَةَ عِنْدَنَا إِلاَّ فِي الرَّقِيقِ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 3
Arabic reference : Book 31, Hadith 1295

Yahya related to me from Malik from Yahya ibn Said from Salim ibn Abdullah that Abdullah ibn Umar sold one of his slaves for eight hundred dirhams with the stipulation that he was not responsible for defects. The person who bought the slave complained to Abdullah ibn Umar that the slave had a disease which he had not told him about. They argued and went to Uthman ibn Affan for a decision . The man said, "He sold me a slave with a disease which he did not tell me about." Abdullah said, "I sold to him with the stipulation that I was not responsible." Uthman ibn Affan decided that Abdullah ibn Umar should take an oath that he had sold the slave without knowing that he had

any disease. Abdullah ibn Umar refused to take the oath, so the slave was returned to him and recovered his health in his possession. Abdullah sold him afterwards for 1500 dirhams.

Malik said, "The generally agreed upon way of doing things among us about a man who buys a female slave and she becomes pregnant, or who buys a slave and then frees him, or if there is any other such matter which has already happened so that he cannot return his purchase, and a clear proof is established that there was a fault in that purchase when it was in the hands of the seller or the fault is admitted by the seller or someone else, is that the slave or slave-girl is assessed for its value with the fault it is found to have had on the day of purchase and the buyer is refunded,from what he paid,the difference between the price of a slave who is sound and a slave with such a defect.
Malik said, "The generally agreed upon way of doing things among us regarding a man who buys a slave and then finds out that the slave has a defect for which he can be returned and meanwhile another defect has happened to the slave whilst in his possession, is that if the defect which occurred to the slave in his possession has harmed him, like loss of a limb, loss of an eye, or something similar, then he has a choice. If he wants, he can have the price of the slave reduced commensurate with the defect (he bought him with) according to the prices on the day he bought him, or if he likes, he can pay compensation for the defect which the slave has suffered in his possession and return him. The choice is up to him. If the slave dies in his possession, the slave is valued with the defect which he had on the day of his purchase. It is seen what his price would really have been. If the price of the slave on the day of purchase without fault was 100 dinars, and his price on the day of purchase with fault would have been 80 dinars, the price is reduced by the difference. These prices are assessed according to the market value on the day the slave was purchased . "
Malik said, "The generally agreed upon way of doing things among us is that if a man returns a slave girl in whom he has found a defect and he has already had intercourse with her, he must pay what he has reduced of her price if she was a virgin. If she was not a virgin, there is nothing against his having had intercourse with her because he had charge of her."
Malik said, "The generally agreed upon way of doing things among us regarding a person, whether he is an inheritor or not, who sells a slave, slave-girl, or animal without a liability agreement is that he is not responsible for any defect in what he sold unless he knew about the fault and concealed it. If he knew that there was a fault and concealed it, his declaration that he was free of responsibility does not absolve him, and what he sold is returned to him."
Malik spoke about a situation where a slave-girl was bartered for two other slave-girls and then one of the slave-girls was found to have a defect for which she could be returned. He said, "The slave-girl worth two other slave- girls is valued for her price. Then the other two slave-girls are valued, ignoring the defect which the one of them has. Then the price of the slave-girl sold for two slave-girls is divided between them according to their prices so that the proportion of each of them in her price is arrived at - to the higher priced one according to her higher price, and to the other according to her value. Then one looks at the one with the defect, and the buyer is refunded according to the amount her share is affected by the defect, be it little or great. The price of the two slave-girls is based on their market value on the day that they were bought."
Malik spoke about a man who bought a slave and hired him out on a long-term or short-term basis and then found out that the slave had a defect which necessitated his return. He said that if the man returned the slave because of the defect, he kept the hire and revenue. "This is the way in which things are done in our city. That is because, had the man bought a slave who then built a house for him, and the value of the house was many times the price of the slave, and he then found that the slave had a defect for which he could be returned, and he was returned, he would not have to make payment for the work the slave had done for him. Similarly, he would keep any revenue from hiring him out, because he had charge of him. This is the way of doing things among us."
Malik said, "The way of doing things among us when someone buys several slaves in one lot and then finds that one of them has been stolen, or has a defect, is that he looks at the one he finds has been stolen or the one in which he finds a defect. If he is the pick of those slaves, or the most expensive, or it was for his sake that he bought them, or he is the one in whom people see the most excellence, then the whole sale is returned. If the one who is found to be stolen or to have a defect is not the pick of the slaves, and he did not buy them for his sake, and there is no special

virtue which people see in him, the one who is found to have a defect or to have been stolen is returned as he is, and the buyer is refunded his portion of the total price."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، بَاعَ غُلاَمًا لَهُ بِثَمَانِمِائَةِ دِرْهَمٍ وَبَاعَهُ بِالْبَرَاءَةِ فَقَالَ الَّذِي ابْتَاعَهُ لِعَبْدِ اللَّهِ بْنِ عُمَرَ بِالْغُلاَمِ دَاءٌ لَمْ تُسَمِّهِ لِي . فَاخْتَصَمَا إِلَى عُثْمَانَ بْنِ عَفَّانَ . فَقَالَ الرَّجُلُ بَاعَنِي عَبْدًا وَبِهِ دَاءٌ لَمْ يُسَمِّهِ . وَقَالَ عَبْدُ اللَّهِ بِعْتُهُ بِالْبَرَاءَةِ . فَقَضَى عُثْمَانُ بْنُ عَفَّانَ عَلَى عَبْدِ اللَّهِ بْنِ عُمَرَ أَنْ يَحْلِفَ لَهُ لَقَدْ بَاعَهُ الْعَبْدَ وَمَا بِهِ دَاءٌ يَعْلَمُهُ فَأَبَى عَبْدُ اللَّهِ أَنْ يَحْلِفَ وَارْتَجَعَ الْعَبْدَ فَصَحَّ عِنْدَهُ فَبَاعَهُ عَبْدُ اللَّهِ بَعْدَ ذَلِكَ بِأَلْفٍ وَخَمْسِمِائَةِ دِرْهَمٍ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ كُلَّ مَنِ ابْتَاعَ وَلِيدَةً فَحَمَلَتْ أَوْ عَبْدًا فَأَعْتَقَهُ وَكُلَّ أَمْرٍ دَخَلَهُ الْفَوْتُ حَتَّى لاَ يُسْتَطَاعَ رَدُّهُ فَقَامَتِ الْبَيِّنَةُ إِنَّهُ قَدْ كَانَ بِهِ عَيْبٌ عِنْدَ الَّذِي بَاعَهُ أَوْ عُلِمَ ذَلِكَ بِاعْتِرَافٍ مِنَ الْبَائِعِ أَوْ غَيْرِهِ فَإِنَّ الْعَبْدَ أَوِ الْوَلِيدَةَ يُقَوَّمُ وَبِهِ الْعَيْبُ الَّذِي كَانَ بِهِ يَوْمَ اشْتَرَاهُ فَيُرَدُّ مِنَ الثَّمَنِ قَدْرُ مَا بَيْنَ قِيمَتِهِ صَحِيحًا وَقِيمَتِهِ وَبِهِ ذَلِكَ الْعَيْبُ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا فِي الرَّجُلِ يَشْتَرِي الْعَبْدَ ثُمَّ يَظْهَرُ مِنْهُ عَلَى عَيْبٍ يَرُدُّهُ مِنْهُ وَقَدْ حَدَثَ بِهِ عِنْدَ الْمُشْتَرِي عَيْبٌ آخَرُ إِنَّهُ إِذَا كَانَ الْعَيْبُ الَّذِي حَدَثَ بِهِ مُفْسِدًا مِثْلُ الْقَطْعِ أَوِ الْعَوَرِ أَوْ مَا أَشْبَهَ ذَلِكَ مِنَ الْعُيُوبِ الْمُفْسِدَةِ فَإِنَّ الَّذِي اشْتَرَى الْعَبْدَ بِخَيْرِ النَّظَرَيْنِ إِنْ أَحَبَّ أَنْ يُوضَعَ عَنْهُ مِنْ ثَمَنِ الْعَبْدِ بِقَدْرِ الْعَيْبِ الَّذِي كَانَ بِالْعَبْدِ يَوْمَ اشْتَرَاهُ وُضِعَ عَنْهُ وَإِنْ أَحَبَّ أَنْ يَغْرَمَ قَدْرَ مَا أَصَابَ الْعَبْدَ مِنَ الْعَيْبِ عِنْدَهُ ثُمَّ يَرُدُّ الْعَبْدَ فَذَلِكَ لَهُ وَإِنْ مَاتَ الْعَبْدُ عِنْدَ الَّذِي اشْتَرَاهُ أُقِيمَ الْعَبْدُ وَبِهِ الْعَيْبُ الَّذِي كَانَ بِهِ يَوْمَ اشْتَرَاهُ فَيُنْظَرُ كَمْ ثَمَنُهُ فَإِنْ كَانَتْ قِيمَةُ الْعَبْدِ يَوْمَ اشْتَرَاهُ بِغَيْرِ عَيْبٍ مِائَةَ دِينَارٍ وَقِيمَتُهُ يَوْمَ اشْتَرَاهُ وَبِهِ الْعَيْبُ ثَمَانُونَ دِينَارًا وُضِعَ عَنِ الْمُشْتَرِي مَا بَيْنَ الْقِيمَتَيْنِ وَإِنَّمَا تَكُونُ الْقِيمَةُ يَوْمَ اشْتُرِيَ الْعَبْدُ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ مَنْ رَدَّ وَلِيدَةً مِنْ عَيْبٍ وَجَدَهُ بِهَا وَكَانَ قَدْ أَصَابَهَا أَنَّهَا إِنْ كَانَتْ بِكْرًا فَعَلَيْهِ مَا نَقَصَ مِنْ ثَمَنِهَا وَإِنْ كَانَتْ ثَيِّبًا فَلَيْسَ عَلَيْهِ فِي إِصَابَتِهِ إِيَّاهَا شَىْءٌ لأَنَّهُ كَانَ ضَامِنًا لَهَا . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا فِيمَنْ بَاعَ عَبْدًا أَوْ وَلِيدَةً أَوْ حَيَوَانًا بِالْبَرَاءَةِ مِنْ أَهْلِ الْمِيرَاثِ أَوْ غَيْرِهِمْ فَقَدْ بَرِئَ مِنْ كُلِّ عَيْبٍ فِيمَا بَاعَ إِلاَّ أَنْ يَكُونَ عَلِمَ فِي ذَلِكَ عَيْبًا فَكَتَمَهُ فَإِنْ كَانَ عَلِمَ عَيْبًا فَكَتَمَهُ لَمْ تَنْفَعْهُ تَبْرِئَتُهُ وَكَانَ مَا بَاعَ مَرْدُودًا عَلَيْهِ . قَالَ مَالِكٌ فِي الْجَارِيَةِ تُبَاعُ بِالْجَارِيَتَيْنِ ثُمَّ يُوجَدُ بِإِحْدَى الْجَارِيَتَيْنِ عَيْبٌ تُرَدُّ مِنْهُ قَالَ تُقَامُ الْجَارِيَةُ الَّتِي كَانَتْ قِيمَةَ الْجَارِيَتَيْنِ فَيُنْظَرُ كَمْ ثَمَنُهَا ثُمَّ تُقَامُ الْجَارِيَتَانِ بِغَيْرِ الْعَيْبِ الَّذِي وُجِدَ بِإِحْدَاهُمَا تُقَامَانِ صَحِيحَتَيْنِ سَالِمَتَيْنِ ثُمَّ يُقْسَمُ ثَمَنُ الْجَارِيَةِ الَّتِي بِيعَتْ بِالْجَارِيَتَيْنِ عَلَيْهِمَا بِقَدْرِ ثَمَنِهِمَا حَتَّى يَقَعَ عَلَى كُلِّ وَاحِدَةٍ مِنْهُمَا حِصَّتُهَا مِنْ ذَلِكَ عَلَى الْمُرْتَفِعَةِ بِقَدْرِ ارْتِفَاعِهَا وَعَلَى الأُخْرَى بِقَدْرِهَا ثُمَّ يُنْظَرُ إِلَى الَّتِي بِهَا الْعَيْبُ فَيُرَدُّ بِقَدْرِ الَّذِي وَقَعَ عَلَيْهَا مِنْ تِلْكَ الْحِصَّةِ إِنْ كَانَتْ كَثِيرَةً أَوْ قَلِيلَةً وَإِنَّمَا تَكُونُ قِيمَةُ الْجَارِيَتَيْنِ عَلَيْهِ يَوْمَ قَبْضِهِمَا . قَالَ مَالِكٌ فِي الرَّجُلِ يَشْتَرِي الْعَبْدَ فَيُؤَاجِرُهُ بِالإِجَارَةِ الْعَظِيمَةِ أَوِ الْغَلَّةِ الْقَلِيلَةِ ثُمَّ يَجِدُ بِهِ عَيْبًا يُرَدُّ مِنْهُ إِنَّهُ يَرُدُّهُ بِذَلِكَ الْعَيْبِ وَتَكُونُ لَهُ إِجَارَتُهُ وَغَلَّتُهُ وَهَذَا الأَمْرُ الَّذِي كَانَتْ عَلَيْهِ الْجَمَاعَةُ بِبَلَدِنَا وَذَلِكَ لَوْ أَنَّ رَجُلاً ابْتَاعَ عَبْدًا فَبَنَى لَهُ دَارًا قِيمَةُ بِنَائِهَا ثَمَنُ الْعَبْدِ أَضْعَافًا ثُمَّ وَجَدَ بِهِ عَيْبًا يُرَدُّ مِنْهُ رَدَّهُ وَلاَ يُحْسَبُ لِلْعَبْدِ عَلَيْهِ إِجَارَةٌ فِيمَا عَمِلَ لَهُ فَكَذَلِكَ تَكُونُ لَهُ إِجَارَتُهُ إِذَا آجَرَهُ مِنْ غَيْرِهِ لأَنَّهُ ضَامِنٌ لَهُ وَهَذَا الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِيمَنِ ابْتَاعَ رَقِيقًا فِي صَفْقَةٍ وَاحِدَةٍ فَوَجَدَ فِي ذَلِكَ الرَّقِيقِ عَبْدًا مَسْرُوقًا أَوْ وَجَدَ بِعَبْدٍ مِنْهُمْ عَيْبًا أَنَّهُ يُنْظَرُ فِيمَا وُجِدَ مَسْرُوقًا أَوْ وَجَدَ بِهِ عَيْبًا فَإِنْ كَانَ هُوَ وَجْهَ ذَلِكَ الرَّقِيقِ أَوْ أَكْثَرَهُ ثَمَنًا أَوْ مِنْ أَجْلِهِ اشْتَرَى وَهُوَ الَّذِي فِيهِ الْفَضْلُ فِيمَا يَرَى النَّاسُ كَانَ ذَلِكَ الْبَيْعُ مَرْدُودًا كُلُّهُ وَإِنْ

كَانَ الَّذِي وُجِدَ مَسْرُوقًا أَوْ وُجِدَ بِهِ الْعَيْبُ مِنْ ذَلِكَ الرَّقِيقِ فِي الشَّىْءِ الْيَسِيرِ مِنْهُ لَيْسَ هُوَ وَجْهَ ذَلِكَ الرَّقِيقِ وَلاَ مِنْ أَجْلِهِ اشْتُرِيَ وَلاَ فِيهِ الْفَضْلُ فِيمَا يَرَى النَّاسُ رُدَّ ذَلِكَ الَّذِي وُجِدَ بِهِ الْعَيْبُ أَوْ وُجِدَ مَسْرُوقًا بِعَيْنِهِ بِقَدْرِ قِيمَتِهِ مِنَ الثَّمَنِ الَّذِي اشْتَرَى بِهِ أُولَئِكَ الرَّقِيقَ .

USC-MSA web (English) reference : Book 31, Hadith 4
Arabic reference : Book 31, Hadith 1296

Yahya related to me from Malik from Ibn Shihab that Ubaydullah ibn Abdullah ibn Utba ibn Masud told him that Abdullah ibn Masud bought a slave-girl from his wife, Zaynab Ath Thaqafiyya. She made a condition to him, that if he bought her, she could always buy her back for the price that he paid. Abdullah ibn Masud asked Umar ibn al-Khattab about that and Umar ibn al-Khattab said, "Do not go near her while anyone has a condition concerning her over you."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ عُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ ابْتَاعَ جَارِيَةً مِنِ امْرَأَتِهِ زَيْنَبَ الثَّقَفِيَّةِ وَاشْتَرَطَتْ عَلَيْهِ أَنَّكَ إِنْ بِعْتَهَا فَهِيَ لِي بِالثَّمَنِ الَّذِي تَبِيعُهَا بِهِ فَسَأَلَ عَبْدُ اللَّهِ بْنُ مَسْعُودٍ عَنْ ذَلِكَ عُمَرَ بْنَ الْخَطَّابِ فَقَالَ عُمَرُ بْنُ الْخَطَّابِ لاَ تَقْرَبْهَا وَفِيهَا شَرْطٌ لأَحَدٍ .

USC-MSA web (English) reference : Book 31, Hadith 5
Arabic reference : Book 31, Hadith 1297

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would say, "A man should not have intercourse with a slave girl except one whom, if he wished, he could sell, if he wished, he could give away, if he wished, he could keep, if he wished, he could do with her what he wanted ."

Malik said that a man who bought a slave- girl on condition that he did not sell her, give her away, or do something of that nature, was not to have intercourse with her. That was because he was not permitted to sell her or to give her away, so if he did not own that from her, he did not have complete ownership of her because an exception had been made concerning her by the hand of someone else. If that sort of condition entered into it, it was a messy situation, and the sale was not recommended.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ لاَ يَطَأُ الرَّجُلُ وَلِيدَةً إِلاَّ وَلِيدَةً إِنْ شَاءَ بَاعَهَا وَإِنْ شَاءَ وَهَبَهَا وَإِنْ شَاءَ أَمْسَكَهَا وَإِنْ شَاءَ صَنَعَ بِهَا مَا شَاءَ . قَالَ مَالِكٌ فِيمَنِ اشْتَرَى جَارِيَةً عَلَى شَرْطِ أَنْ لاَ يَبِيعَهَا أَوْ لاَ يَهَبَهَا أَوْ مَا أَشْبَهَ ذَلِكَ مِنَ الشُّرُوطِ فَإِنَّهُ لاَ يَنْبَغِي لِلْمُشْتَرِي أَنْ يَطَأَهَا وَذَلِكَ أَنَّهُ لاَ يَجُوزُ لَهُ أَنْ يَبِيعَهَا وَلاَ يَهَبَهَا فَإِذَا كَانَ لاَ يَمْلِكُ ذَلِكَ مِنْهَا فَلَمْ يَمْلِكْهَا مِلْكًا تَامًّا لأَنَّهُ قَدِ اسْتُثْنِيَ عَلَيْهِ فِيهَا مَا مَلَكَهُ بِيَدِ غَيْرِهِ فَإِذَا دَخَلَ هَذَا الشَّرْطُ لَمْ يَصْلُحْ وَكَانَ بَيْعًا مَكْرُوهًا .

USC-MSA web (English) reference : Book 31, Hadith 6
Arabic reference : Book 31, Hadith 1298

Yahya related to me from Malik from Ibn Shihab that Abdullah ibn Amir gave Uthman ibn Affan a slave-girl who had a husband whom he had purchased at Basra. Uthman said, "I will not go near her until her husband separates from her." Ibn Amir compensated the husband and he separated from her.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عَامِرٍ، أَهْدَى لِعُثْمَانَ بْنِ عَفَّانَ جَارِيَةً وَلَهَا زَوْجٌ ابْتَاعَهَا بِالْبَصْرَةِ فَقَالَ عُثْمَانُ لاَ أَقْرَبُهَا حَتَّى يُفَارِقَهَا زَوْجُهَا . فَأَرْضَى ابْنُ عَامِرٍ زَوْجَهَا فَفَارَقَهَا .

USC-MSA web (English) reference : Book 31, Hadith 7
Arabic reference : Book 31, Hadith 1299

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abd ar-Rahman ibn Awf that Abd ar-Rahman ibn Awf bought a slave- girl and found that she had a husband, so he returned her.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ، ابْتَاعَ وَلِيدَةً فَوَجَدَهَا ذَاتَ زَوْجٍ فَرَدَّهَا .

USC-MSA web (English) reference : Book 31, Hadith 8
Arabic reference : Book 31, Hadith 1300

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "If palm trees are sold after they have been pollinated, the fruit belongs to the seller unless the buyer makes a stipulation about its inclusion."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ بَاعَ نَخْلاً قَدْ أُبِّرَتْ فَثَمَرُهَا لِلْبَائِعِ إِلاَّ أَنْ يَشْتَرِطَ الْمُبْتَاعُ " .

USC-MSA web (English) reference : Book 31, Hadith 9
Arabic reference : Book 31, Hadith 1301

Yahya related to me from Malik from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade selling fruit until it had started to ripen. He forbade the transaction to both buyer and seller.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعِ الثِّمَارِ حَتَّى يَبْدُوَ صَلاَحُهَا نَهَى الْبَائِعَ وَالْمُشْتَرِيَ .

USC-MSA web (English) reference : Book 31, Hadith 10
Arabic reference : Book 31, Hadith 1302

Yahya related to me from Malik from Humayd at-Tawil from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, forbade selling fruit until it had become mellow. He was asked, "Messenger ofAllah! What do you mean by become mellow?" He said, "When it becomes rosy."

The Messenger of Allah, may Allah bless him and grant him peace, added, "Allah may prevent the fruit from maturing, so how can you take payment from your brother for it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعِ الثِّمَارِ حَتَّى تُزْهِيَ . فَقِيلَ لَهُ يَا رَسُولَ اللَّهِ وَمَا تُزْهِي فَقَالَ " حِينَ تَحْمَرُّ " . وَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَرَأَيْتَ إِذَا مَنَعَ اللَّهُ الثَّمَرَةَ فَبِمَ يَأْخُذُ أَحَدُكُمْ مَالَ أَخِيهِ " .

USC-MSA web (English) reference : Book 31, Hadith 11
Arabic reference : Book 31, Hadith 1303

Yahya related to me from Malik from Abu'r-Rijal Muhammad ibn Abd ar-Rahman ibn Haritha from his mother, Amra bint Abd ar-Rahman that the Messenger of Allah, may Allah bless him and grant him peace, forbade selling fruit until it was clear of blight. Malik said, "Selling fruit before it has begun to ripen is an uncertain transaction (gharar) ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الرِّجَالِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ حَارِثَةَ عَنْ أُمِّهِ، عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعِ الثِّمَارِ حَتَّى تَنْجُوَ مِنَ الْعَاهَةِ . قَالَ مَالِكٌ وَبَيْعُ الثِّمَارِ قَبْلَ أَنْ يَبْدُوَ صَلاَحُهَا مِنْ بَيْعِ الْغَرَرِ .

USC-MSA web (English) reference : Book 31, Hadith 12
Arabic reference : Book 31, Hadith 1304

Yahya related to me from Malik from Abu'z-Zinad from Kharija ibn Zayd ibn Thabit that Zayd ibn Thabit did not sell fruit until the Pleiades were visible, at the end of May.

Malik said, "The way of doing things among us about selling melons, cucumbers, water- melons, and carrots is that it is halal to sell them when it is clear that they have begun to ripen. Then the buyer has what grows until the season is over. There is no specific timing laid down for that because the time is well known with people, and it may happen that the crop will be affected by blight and put a premature end to the season. If blight strikes and a third or more of the crop is damaged, an allowance for that is deducted from the price of purchase."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ خَارِجَةَ بْنِ زَيْدِ بْنِ ثَابِتٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ، أَنَّهُ كَانَ لاَ يَبِيعُ ثِمَارَهُ حَتَّى تَطْلُعَ الثُّرَيَّا .

USC-MSA web (English) reference : Book 31, Hadith 13
Arabic reference : Book 31, Hadith 1305

Yahya related to me from Malik from Nafi from Abdullah ibn Umar from Zayd ibn Thabit that the Messenger of Allah, may Allah bless him and grant him peace, allowed the holder of an ariya to barter the dates on the palm for the amount of dried dates it was estimated that the palms would produce.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَرْخَصَ لِصَاحِبِ الْعَرِيَّةِ أَنْ يَبِيعَهَا بِخَرْصِهَا .

USC-MSA web (English) reference : Book 31, Hadith 14
Arabic reference : Book 31, Hadith 1306

Yahya related to me from Malik from Da'ud ibn al-Husayn from Abu Sufyan, the mawla of Ibn Abi Ahmad, from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, allowed the produce of an ariya to be bartered for an estimation of what the produce would be when the crop was less than five awsuq or equal to five awsuq. Da'ud wasn't sure whether he said five awsuq or less than five.

Malik said, "Ariyas can be sold for an estimation of what amount of dried dates will be produced. The crop is examined and estimated while still on the palm. This is allowed because it comes into the category of delegation of responsibility, handing over rights, and involving a partner. Had it been like a form of sale, no one would have made someone else a partner in the produce until it was ready nor would he have renounced his right to any of it or put someone in charge of it until the buyer had taken possession."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنْ أَبِي سُفْيَانَ، مَوْلَى ابْنِ أَبِي أَحْمَدَ عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَرْخَصَ فِي بَيْعِ الْعَرَايَا بِخَرْصِهَا فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ أَوْ فِي خَمْسَةِ أَوْسُقٍ . يَشُكُّ دَاوُدُ قَالَ خَمْسَةِ أَوْسُقٍ أَوْ دُونَ خَمْسَةِ أَوْسُقٍ .

USC-MSA web (English) reference : Book 31, Hadith 14
Arabic reference : Book 31, Hadith 1307

Yahya related to me from Malik that Abu'r-Rijal Muhammad ibn Abd ar-Rahman heard his mother, Amra bint Abd ar-Rahman say, "A man bought the fruit of an enclosed orchard in the time of the Messenger of Allah, may Allah bless him and grant him peace, and he tended it while staying on the land. It became clear to him that there was going to be some loss. He asked the owner of the orchard to reduce the price for him or to revoke the sale, but the owner made an oath not to do so. The mother of the buyer went to the Messenger of Allah, may Allah bless him and grant him peace, and told him about it. The Messengerof Allah, may Allah bless him and grant him peace, said, 'By this oath, he has sworn not to do good.' The owner of the orchard heard about it and went to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah, the choice is his.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الرِّجَالِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أُمِّهِ، عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ أَنَّهُ سَمِعَهَا تَقُولُ، ابْتَاعَ رَجُلٌ ثَمَرَ حَائِطٍ فِي زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَعَالَجَهُ وَقَامَ فِيهِ حَتَّى تَبَيَّنَ لَهُ النُّقْصَانُ فَسَأَلَ رَبَّ الْحَائِطِ أَنْ يَضَعَ لَهُ أَوْ أَنْ يُقِيلَهُ فَحَلَفَ أَنْ لاَ يَفْعَلَ فَذَهَبَتْ أُمُّ الْمُشْتَرِي إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَذَكَرَتْ ذَلِكَ لَهُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " تَأَلَّى أَنْ لاَ يَفْعَلَ خَيْرًا " . فَسَمِعَ بِذَلِكَ رَبُّ الْحَائِطِ فَأَتَى رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ هُوَ لَهُ .

USC-MSA web (English) reference : Book 31, Hadith 15
Arabic reference : Book 31, Hadith 1308

Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz decided in a case to make a reduction for crop damage.

Malik said, "That is what we do in the situation."
Malik added, "Crop damage is whatever causes loss of a third or more for the purchaser. Anything less is not counted as crop damage."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، قَضَى بِوَضْعِ الْجَائِحَةِ . قَالَ مَالِكٌ وَعَلَى ذَلِكَ الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ وَالْجَائِحَةُ الَّتِي تُوضَعُ عَنِ الْمُشْتَرِي الثُّلُثُ فَصَاعِدًا وَلاَ يَكُونُ مَا دُونَ ذَلِكَ جَائِحَةً .

USC-MSA web (English) reference : Book 31, Hadith 16
Arabic reference : Book 31, Hadith 1309

Yahya related to me from Malik from Rabia ibn Abd ar-Rahman that al-Qasim ibn Muhammad would sell produce from his orchard and keep some of it aside.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، كَانَ يَبِيعُ ثَمَرَ حَائِطِهِ وَيَسْتَثْنِي مِنْهُ .

USC-MSA web (English) reference : Book 31, Hadith 17
Arabic reference : Book 31, Hadith 1310

Yahya related to me from Malik from Abdullah ibn Abi Bakr that his grandfather, Muhammad ibn Amr ibn Hazm sold the fruit of an orchard of his called al-Afraq, for 4,000 dirhams, and he kept aside 800 dirhams' worth of dry dates.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، أَنَّ جَدَّهُ، مُحَمَّدَ بْنَ عَمْرِو بْنِ حَزْمٍ بَاعَ ثَمَرَ حَائِطٍ لَهُ يُقَالُ لَهُ الأَفْرَاقُ بِأَرْبَعَةِ آلاَفِ دِرْهَمٍ وَاسْتَثْنَى مِنْهُ بِثَمَانِمِائَةِ دِرْهَمٍ تَمْرًا ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 18
Arabic reference : Book 31, Hadith 1311

Yahya related to me from Malik from Abu'r-Rijal, Muhammad ibn Abdar-Rahman ibn Haritha that his mother, Amra bint Abd ar-Rahman used to sell her fruit and keep some of it aside.

Malik said, "The generally agreed upon way of doing things among us is that when a man sells the fruit of his orchard, he can keep aside up to a third of the fruit, but that is not to be exceeded. There is no harm in what is less than a third."
Malik added that he thought there was no harm for a man to sell the fruit of his orchard and keep aside only the fruit of a certain palm-tree or palm-trees which he had chosen and whose number he had specified, because the owner was only keeping aside certain fruit of his own orchard and everything else he sold.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الرِّجَالِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ حَارِثَةَ أَنَّ أُمَّهُ، عَمْرَةَ بِنْتَ عَبْدِ الرَّحْمَنِ كَانَتْ تَبِيعُ ثِمَارَهَا وَتَسْتَثْنِي مِنْهَا ‏.‏ قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ الرَّجُلَ إِذَا بَاعَ ثَمَرَ حَائِطِهِ أَنَّ لَهُ أَنْ يَسْتَثْنِيَ مِنْ ثَمَرِ حَائِطِهِ مَا بَيْنَهُ وَبَيْنَ ثُلُثِ الثَّمَرِ لاَ يُجَاوِزُ ذَلِكَ وَمَا كَانَ دُونَ الثُّلُثِ فَلاَ بَأْسَ بِذَلِكَ ‏.‏ قَالَ مَالِكٌ فَأَمَّا الرَّجُلُ يَبِيعُ ثَمَرَ حَائِطِهِ وَيَسْتَثْنِي مِنْ ثَمَرِ حَائِطِهِ ثَمَرَ نَخْلَةٍ أَوْ نَخَلاَتٍ يَخْتَارُهَا وَيُسَمِّي عَدَدَهَا فَلاَ أَرَى بِذَلِكَ بَأْسًا لأَنَّ رَبَّ الْحَائِطِ إِنَّمَا اسْتَثْنَى شَيْئًا مِنْ ثَمَرِ حَائِطِ نَفْسِهِ وَإِنَّمَا ذَلِكَ شَىْءٌ احْتَبَسَهُ مِنْ حَائِطِهِ وَأَمْسَكَهُ لَمْ يَبِعْهُ وَبَاعَ مِنْ حَائِطِهِ مَا سِوَى ذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 19
Arabic reference : Book 31, Hadith 1312

Yahya related to me from Malik from Zayd ibn Aslam that Ata ibn Yasar said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Dried dates for dried dates is like for like.' It was said to him, 'Your agent in Khaybar takes one sa for two.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'all him to me.' So he was called for. The Messenger of Allah, may Allah bless him and grant him peace, asked, 'Do you take one sa for two?' He replied, 'Messengerof Allah! Why should they sell me good dates for assorted low quality dates, sa for sa!' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Sell the assorted ones for dirhams, and then buy the good ones with those dirhams.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ التَّمْرُ بِالتَّمْرِ مِثْلاً بِمِثْلٍ ‏"‏ ‏.‏ فَقِيلَ لَهُ إِنَّ عَامِلَكَ عَلَى خَيْبَرَ يَأْخُذُ الصَّاعَ بِالصَّاعَيْنِ ‏.‏ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ ادْعُوهُ لِي ‏"‏ ‏.‏ فَدُعِيَ لَهُ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ أَتَأْخُذُ الصَّاعَ بِالصَّاعَيْنِ ‏"‏ ‏.‏ فَقَالَ يَا رَسُولَ اللَّهِ لاَ يَبِيعُونَنِي الْجَنِيبَ بِالْجَمْعِ صَاعًا بِصَاعٍ ‏.‏ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ بِعِ الْجَمْعَ بِالدَّرَاهِمِ ثُمَّ ابْتَعْ بِالدَّرَاهِمِ جَنِيبًا ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 20
Arabic reference : Book 31, Hadith 1313

Yahya related to me from Malik from Abd al-Hamid ibn Suhayl ibn Abd ar-Rahman ibn Awf from Said ibn al-Musayyab from Abu Said al- Khudri and from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, appointed a man as an agent in Khaybar, and he brought him some excellent dates. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Are all the dates of Khaybar like this?" He said,"No. By Allah, Messenger of Allah! We take a sa of this kind for two sa or two sa for three." The Messenger of Allah, may Allah bless him and grant him peace, said, "Do not do that. Sell the assorted ones for dirhams and then buy the good ones with the dirhams."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ الْحَمِيدِ بْنِ سُهَيْلِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، وَعَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم اسْتَعْمَلَ رَجُلاً عَلَى خَيْبَرَ فَجَاءَهُ بِتَمْرٍ جَنِيبٍ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَكُلُّ تَمْرِ خَيْبَرَ هَكَذَا " . فَقَالَ لاَ وَاللَّهِ يَا رَسُولَ اللَّهِ إِنَّا لَنَأْخُذُ الصَّاعَ مِنْ هَذَا بِالصَّاعَيْنِ وَالصَّاعَيْنِ بِالثَّلاَثَةِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ تَفْعَلْ بِعِ الْجَمْعَ بِالدَّرَاهِمِ ثُمَّ ابْتَعْ بِالدَّرَاهِمِ جَنِيبًا " .

USC-MSA web (English) reference : Book 31, Hadith 21
Arabic reference : Book 31, Hadith 1314

Yahya related to me from Malik from Abdullah ibn Yazid that Zayd ibn Ayyash told him that he had once asked Sad ibn Abi Waqqas about selling white wheat for a type of good barley. Sad asked him which was the better and when he told him the white wheat, he forbade the transaction. Sad said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, being asked about selling dried dates for fresh dates, and the Messenger of Allah, may Allah bless him and grant him peace, said, 'Do the dates diminish in size when they become dry?' When he was told that they did, he forbade that."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، أَنَّ زَيْدًا أَبَا عَيَّاشٍ، أَخْبَرَهُ أَنَّهُ، سَأَلَ سَعْدَ بْنَ أَبِي وَقَّاصٍ عَنِ الْبَيْضَاءِ، بِالسُّلْتِ فَقَالَ لَهُ سَعْدٌ أَيَّتُهُمَا أَفْضَلُ قَالَ الْبَيْضَاءُ . فَنَهَاهُ عَنْ ذَلِكَ . وَقَالَ سَعْدٌ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يُسْأَلُ عَنِ اشْتِرَاءِ التَّمْرِ بِالرُّطَبِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَيَنْقُصُ الرُّطَبُ إِذَا يَبِسَ " . فَقَالُوا نَعَمْ . فَنَهَى عَنْ ذَلِكَ .

USC-MSA web (English) reference : Book 31, Hadith 22
Arabic reference : Book 31, Hadith 1315

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade muzabana. Muzabana was selling fresh dates for dried dates by measure, and selling grapes for raisins by measure.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنِ الْمُزَابَنَةِ وَالْمُزَابَنَةُ بَيْعُ الثَّمَرِ بِالتَّمْرِ كَيْلاً وَبَيْعُ الْكَرْمِ بِالزَّبِيبِ كَيْلاً .

USC-MSA web (English) reference : Book 31, Hadith 23
Arabic reference : Book 31, Hadith 1316

Yahya related to me from Malik from Da'ud ibn al-Husayn from Abu Sufyan, the mawla of Ibn Abi Ahmad, from Abu Said al-Khudri that the Messenger of Allah, may Allah bless him and grant him peace, forbade muzabana and muhaqala. Muzabana was selling fresh dates for dried dates while they were still on the trees. Muhaqala was renting land in exchange for wheat.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنْ أَبِي سُفْيَانَ، مَوْلَى ابْنِ أَبِي أَحْمَدَ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنِ الْمُزَابَنَةِ وَالْمُحَاقَلَةِ وَالْمُزَابَنَةُ اشْتِرَاءُ الثَّمَرِ بِالتَّمْرِ فِي رُءُوسِ النَّخْلِ وَالْمُحَاقَلَةُ كِرَاءُ الأَرْضِ بِالْحِنْطَةِ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 24
Arabic reference : Book 31, Hadith 1317

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, forbade muzabana and muhaqala. Muzabana was selling fresh dates for dried dates. Muhaqala was buying unharvested wheat in exchange for threshed wheat and renting land in exchange for wheat.

Ibn Shihab added that he had asked Said ibn al-Musayyab about renting land for gold and silver. He said, "There is no harm in it."
Malik said, "The Messenger of Allah, may Allah bless him and grant him peace, forbade muzabana. The explanation of muzabana is that it is buying something whose number, weight and measure is not known with something whose number, weight or measure is known, for instance, if a man has a stack of food whose measure is not known, either of wheat, dates, or whatever food, or the man has goods of wheat, date kernels, herbs, safflower, cotton, flax, silk, and does not know its measure or weight or number and then a buyer approaches him and proposes that he weigh or measure or count the goods, but, before he does, he specifies a certain weight, or measure, or number and guarantees to pay the price for that amount, agreeing that whatever falls short of that amount is a loss against him and whatever is in excess of that amount is a gain for him. That is not a sale. It is taking risks and it is an uncertain transaction. It falls into the category of gambling because he is not buying something from him for something definite which he pays. Everything which resembles this is also forbidden."
Malik said that another example of that was, for instance, a man proposing to another man, "You have cloth. I will guarantee you from this cloth of yours so many hooded cloaks, the measureof each cloak to be such-and-such, (naming a measurement). Whatever loss there is, is against me and I will fulfill you the specified amount and whatever excess there is, is mine." Or perhaps the man proposed, "I will guarantee you from this cloth of yours so many shirts, the measurement of each shirt to be such-and-such, and whatever loss there is, is against me and I will fulfill the specified amount and whatever excess there is, is mine." Or perhaps a man proposed to a man who had cattle or camel hides, "I will cut up these hides of yours into sandals on a pattern I will show you. Whatever falls short of a hundred pairs, I will make up its loss and whatever is over is mine because I guaranteed you." Another example was that a man say to a man who had ben-nuts, "I will press these nuts of yours. Whatever falls short of such-and-such a weight by the pound, I will make it up, and whatever is more than that is mine."
Malik said that all this and whatever else was like it or resembled it was in the category of muzabana, which was neither good nor permitted. It was also the same case for a man to say to a man, who had fodder leaves, date kernels, cotton, flax, herbs or safflower, "I will buy these leaves from you in exchange for such-and-such a sa, (indicating leaves which are pounded like his leaves) . . or these date kernels for such-and-such a sa of kernels like them, and the like of that in the case of safflower, cotton, flax and herbs."
Malik said, "All this is what we have described of muzabana."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنِ الْمُزَابَنَةِ وَالْمُحَاقَلَةِ وَالْمُزَابَنَةُ اشْتِرَاءُ الثَّمَرِ بِالتَّمْرِ وَالْمُحَاقَلَةُ اشْتِرَاءُ الزَّرْعِ بِالْحِنْطَةِ وَاسْتِكْرَاءُ الأَرْضِ بِالْحِنْطَةِ ‏.‏ قَالَ ابْنُ شِهَابٍ فَسَأَلْتُ سَعِيدَ بْنَ الْمُسَيَّبِ عَنِ اسْتِكْرَاءِ الأَرْضِ بِالذَّهَبِ وَالْوَرِقِ فَقَالَ لاَ بَأْسَ بِذَلِكَ ‏.‏ قَالَ مَالِكٌ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم عَنِ الْمُزَابَنَةِ وَتَفْسِيرُ الْمُزَابَنَةِ أَنَّ كُلَّ شَىْءٍ مِنَ الْجِزَافِ الَّذِي لاَ يُعْلَمُ كَيْلُهُ وَلاَ وَزْنُهُ وَلاَ عَدَدُهُ ابْتِيعَ بِشَىْءٍ مُسَمًّى مِنَ الْكَيْلِ أَوِ الْوَزْنِ أَوِ الْعَدَدِ وَذَلِكَ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ يَكُونُ لَهُ الطَّعَامُ الْمُصَبَّرُ الَّذِي لاَ يُعْلَمُ كَيْلُهُ مِنَ الْحِنْطَةِ أَوِ التَّمْرِ أَوْ مَا أَشْبَهَ ذَلِكَ مِنَ

الأَطْعِمَةِ أَوْ يَكُونُ لِلرَّجُلِ السِّلْعَةُ مِنَ الْحِنْطَةِ أَوِ النَّوَى أَوِ الْقَضْبِ أَوِ الْعُصْفُرِ أَوِ الْكُرْسُفِ أَوِ الْكَتَّانِ أَوِ الْقَزِّ أَوْ مَا أَشْبَهَ ذَلِكَ مِنَ السِّلَعِ لاَ يُعْلَمُ كَيْلُ شَىْءٍ مِنْ ذَلِكَ وَلاَ وَزْنُهُ وَلاَ عَدَدُهُ فَيَقُولُ الرَّجُلُ لِرَبِّ تِلْكَ السِّلْعَةِ كِلْ سِلْعَتَكَ هَذِهِ أَوْ مُرْ مَنْ يَكِيلُهَا أَوْ زِنْ مِنْ ذَلِكَ مَا يُوزَنُ أَوْ عُدَّ مِنْ ذَلِكَ مَا كَانَ يُعَدُّ فَمَا نَقَصَ عَنْ كَيْلِ كَذَا وَكَذَا صَاعًا - لِتَسْمِيَةٍ يُسَمِّيهَا - أَوْ وَزْنِ كَذَا وَكَذَا رِطْلاً أَوْ عَدَدِ كَذَا وَكَذَا فَمَا نَقَصَ مِنْ ذَلِكَ فَعَلَىَّ غُرْمُهُ لَكَ حَتَّى أُوفِيَكَ تِلْكَ التَّسْمِيَةَ فَمَا زَادَ عَلَى تِلْكَ التَّسْمِيَةِ فَهُوَ لِي أَضْمَنُ مَا نَقَصَ مِنْ ذَلِكَ عَلَى أَنْ يَكُونَ لِي مَا زَادَ . فَلَيْسَ ذَلِكَ بَيْعًا وَلَكِنَّهُ الْمُخَاطَرَةُ وَالْغَرَرُ وَالْقِمَارُ يَدْخُلُ هَذَا لأَنَّهُ لَمْ يَشْتَرِ مِنْهُ شَيْئًا بِشَىْءٍ أَخْرَجَهُ وَلَكِنَّهُ ضَمِنَ لَهُ مَا سُمِّيَ مِنْ ذَلِكَ الْكَيْلِ أَوِ الْوَزْنِ أَوِ الْعَدَدِ عَلَى أَنْ يَكُونَ لَهُ مَا زَادَ عَلَى ذَلِكَ فَإِنْ نَقَصَتْ تِلْكَ السِّلْعَةُ عَنْ تِلْكَ التَّسْمِيَةِ أَخَذَ مِنْ مَالِ صَاحِبِهِ مَا نَقَصَ بِغَيْرِ ثَمَنٍ وَلاَ هِبَةٍ طَيِّبَةٍ بِهَا نَفْسُهُ فَهَذَا يُشْبِهُ الْقِمَارَ وَمَا كَانَ مِثْلَ هَذَا مِنَ الأَشْيَاءِ فَذَلِكَ يَدْخُلُهُ . قَالَ مَالِكٌ وَمِنْ ذَلِكَ أَيْضًا أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ لَهُ الثَّوْبُ أَضْمَنُ لَكَ مِنْ ثَوْبِكَ هَذَا كَذَا وَكَذَا ظِهَارَةَ قَلَنْسُوَةٍ قَدْرُ كُلِّ ظِهَارَةٍ كَذَا وَكَذَا - لِشَىْءٍ يُسَمِّيهِ - فَمَا نَقَصَ مِنْ ذَلِكَ فَعَلَىَّ غُرْمُهُ حَتَّى أُوفِيَكَ وَمَا زَادَ فَلِي . أَوْ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ أَضْمَنُ لَكَ مِنْ ثِيَابِكَ هَذِي كَذَا وَكَذَا قَمِيصًا ذَرْعُ كُلِّ قَمِيصٍ كَذَا وَكَذَا فَمَا نَقَصَ مِنْ ذَلِكَ فَعَلَىَّ غُرْمُهُ وَمَا زَادَ عَلَى ذَلِكَ فَلِي . أَوْ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ لَهُ الْجُلُودُ مِنْ جُلُودِ الْبَقَرِ أَوِ الإِبِلِ أُقَطِّعُ جُلُودَكَ هَذِهِ نِعَالاً عَلَى إِمَامٍ يُرِيهِ إِيَّاهُ . فَمَا نَقَصَ مِنْ مِائَةِ زَوْجٍ فَعَلَىَّ غُرْمُهُ وَمَا زَادَ فَهُوَ لِي بِمَا ضَمِنْتُ لَكَ . وَمِمَّا يُشْبِهُ ذَلِكَ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ عِنْدَهُ حَبُّ الْبَانِ اعْصُرْ حَبَّكَ هَذَا فَمَا نَقَصَ مِنْ كَذَا وَكَذَا رِطْلاً فَعَلَىَّ أَنْ أُعْطِيَكَهُ وَمَا زَادَ فَهُوَ لِي . فَهَذَا كُلُّهُ وَمَا أَشْبَهَهُ مِنَ الأَشْيَاءِ أَوْ ضَارَعَهُ مِنَ الْمُزَابَنَةِ الَّتِي لاَ تَصْلُحُ وَلاَ تَجُوزُ . وَكَذَلِكَ - أَيْضًا - إِذَا قَالَ الرَّجُلُ لِلرَّجُلِ لَهُ الْخَبَطُ أَوِ النَّوَى أَوِ الْكُرْسُفُ أَوِ الْكَتَّانُ أَوِ الْقَضْبُ أَوِ الْعُصْفُرُ أَبْتَاعُ مِنْكَ هَذَا الْخَبَطَ بِكَذَا وَكَذَا صَاعًا مِنْ خَبَطٍ يُخْبَطُ مِثْلَ خَبَطِهِ أَوْ هَذَا النَّوَى بِكَذَا وَكَذَا صَاعًا مِنْ نَوًى مِثْلِهِ وَفِي الْعُصْفُرِ وَالْكُرْسُفِ وَالْكَتَّانِ وَالْقَضْبِ مِثْلَ ذَلِكَ . فَهَذَا كُلُّهُ يَرْجِعُ إِلَى مَا وَصَفْنَا مِنَ الْمُزَابَنَةِ .

USC-MSA web (English) reference : Book 31, Hadith 25
Arabic reference : Book 31, Hadith 1318

Malik said, "There is no harm in buying dates from specified trees or a specified orchard or buying milk from specified sheep when the buyer starts to take them as soon as he has payed the price. That is like buying oil from a container. A man buys some of it for a dinar or two and gives his gold and stipulates that it be measured out for him. There is no harm in that. If the container breaks and the oil is wasted, the buyer has his gold back and there is no transaction between them."

Malik said, "There is no harm in everything which is taken right away as it is, like fresh milk and fresh picked dates which the buyer can take on a day-to-day basis. If the supply runs out before the buyer has what he has paid for in full, the seller gives him back the portion of the gold that is owed to him, or else the buyer takes other goods from him to the value of what he is owed and which they mutually agree about. The buyer should stay with the seller until he has taken it. It is disapproved of for the seller to leave because the transaction would then come into the forbidden category of a debt for a debt. If a stated time period for payment or delivery enters into the transaction, it is also disapproved. Delay and deferment are not permitted in it, and are only acceptable when it is standard practice on definite terms by which the seller guarantees it to the buyer, but this is not to be from one specific orchard or from any specific ewes."

Malik was asked about a man who bought an orchard from another man in which there were various types of palm-trees - excellent ajwa palms, good kabis palms, adhq palms and othertypes. The seller kept aside from the sale the

produce of a certain palm of his choice. Malik said, "That is not good because if he does that, and keeps aside, for instance, dates of the ajwa variety whose yield would be 15 sa, and he picks the dates of the kabis in their place, and the yield of their dates is 10 sa or he picks the ajwa which yield 15 sa and leaves the kabis which yield 10 sa, it is as if he bought the ajwa for the kabis making allowances for their difference of quality. This is the same as if a man dealing with a man who has heaps of dates before him - a heap of 15 sa of ajwa, a heap of 10 sa of kabis, and a heap of 12 sa of cadhq, gives the owner of the dates a dinar to let him choose and take whichever of the heaps he likes." Malik said, "That is not good."
Malik was asked what a man who bought fresh dates from the owner of an orchard and advanced him a dinar was entitled to if the crop was spoilt. Malik said, "The buyer makes a reckoning with the owner of the orchard and takes what is due to him of the dinar. If the buyer has taken two-thirds of a dinar's worth of dates, he gets back the third of a dinar which is owed him. If the buyer has taken three-quarters of a dinar's worth of dates, then he gets back the quarter which is owed to him, or they come to a mutual agreement, and the buyer takes what is owed him from his dinar from the owner of the orchard in something else of his choosing. If, for instance, he prefers to take dry dates or some other goods, he takes them according to what is due. If he takes dry dates or some other goods, he should stay with him until he has been paid in full."
Malik said, "This is the same situation as hiring out a specified riding-camel or hiring out a slave tailor, carpenter or some other kind of worker or letting a house and taking payment in advance for the hire of the slave or the rent of the house or camel. Then an accident happens to what has been hired resulting in death or something else. The owner of the camel, slave or house returns what remains of the rent of the camel, the hire of the slave or the rent of the house to the one who advanced him the money, and the owner reckons what will settle that up in full. If, for instance, he has provided half of what the man paid for, he returns the remaining half of what he advanced, or according to whatever amount is due." Malik said, "Paying in advance for something which is on hand is only good when the buyer takes possession of what he has paid for as soon as he hands over the gold, whether it be slave, camel, or house, or in the case of dates, he starts to pick them as soon as he has paid the money."
It is not good that there be any deferment or credit in such a transaction.
Malik said, "An example illustrating what is disapproved of in this situation is that, for instance, a man may say that he will pay someone in advance for the use of his camel to ride in the hajj, and the hajj is still some time off, or he may say something similar to that about a slave or a house. When he does that, he only pays the money in advance on the understanding that if he finds the camel to be sound at the time the hire is due to begin, he will take it by virtue of what he has already paid. If an accident, or death, or something happens to the camel, then he will get his money back and the money he paid in advance will be considered as a loan."
Malik said, "This is distinct from someone who takes immediate possession of what he rents or hires, so that it does not fall into the category of 'uncertainty,' or disapproved payment in advance. That is following a common practice. An example of that is that a man buys a slave, or slave-girl, and takes possession of them and pays their price. If something happens to them within the period of the year indemnification contract, he takes his gold back from the one from whom he bought it. There is no harm in that. This is the precedent of the sunna in the matter of selling slaves."
Malik said, "Someone who rents a specified slave, or hires a specified camel, for a future date, at which time he will take possession of the camel or slave, has not acted properly because he did not take possession of what he rented or hired, nor is he advancing a loan which the person is responsible to pay back."

USC-MSA web (English) reference : Book 31, Hadith 26

Malik said, "The generally agreed on way of doing things among us is that some one who buys some fruit, fresh or dry, should not resell it until he gets full possession of it. He should not barter things of the same type, except hand to hand. Whatever can be made into dry fruit to be stored and eaten, should not be bartered for its own kind, except hand to hand, like for like, when it is the same kind of fruit. In the case of two different kinds of fruit, there is no harm in bartering two of one kind for one of another, hand to hand on the spot. It is not good to set delayed terms.

As for produce which is not dried and stored but is eaten fresh like water melon, cucumber, melon, carrots, citron, medlars, pomegranates, and soon, which when dried no longer counts as fruit, and is not a thing which is stored up as is fruit, I think that it is quite proper to barter such things two for one of the same variety hand to hand. If no term enters into it, there is no harm in it."

USC-MSA web (English) reference : Book 31, Hadith 27

Yahya related to me from Malik that Yahya ibn Said said, "The Messenger of Allah, mayAllah bless him and grant him peace, ordered the two Sads to sell a vessel made of either gold or silver from the booty. They either sold each three units of weight for four units of weight of coins or each four units of weight for three units of weight or coins. The Messenger of Allah, may Allah bless him and grant him peace, said to them, 'You have taken usury, so return it.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ أَمَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم السَّعْدَيْنِ أَنْ يَبِيعَا آنِيَةً مِنَ الْمَغَانِمِ مِنْ ذَهَبٍ أَوْ فِضَّةٍ فَبَاعَا كُلَّ ثَلاَثَةٍ بِأَرْبَعَةٍ عَيْنًا أَوْ كُلَّ أَرْبَعَةٍ بِثَلاَثَةٍ عَيْنًا فَقَالَ لَهُمَا رَسُولُ اللَّهِ صلى الله عليه وسلم " أَرْبَيْتُمَا فَرُدَّا

USC-MSA web (English) reference : Book 31, Hadith 28
Arabic reference : Book 31, Hadith 1319

Yahya related to me from Malik from Musa ibn Abi Tamim from Abu'l Hubab Said ibn Yasar from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A dinar for a dinar, a dirham for a dirham, no excess between the two."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُوسَى بْنِ أَبِي تَمِيمٍ، عَنْ أَبِي الْحُبَابِ، سَعِيدِ بْنِ يَسَارٍ عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الدِّينَارُ بِالدِّينَارِ وَالدِّرْهَمُ بِالدِّرْهَمِ لاَ فَضْلَ بَيْنَهُمَا " .

USC-MSA web (English) reference : Book 31, Hadith 29
Arabic reference : Book 31, Hadith 1320

Yahya related to me from Malik from Nafi from Abu Said al-Khudri that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not sell gold for gold except like for like and do not increase one part over another part. Do not sell silver for silver, except like for like and do not increase one part over another part. Do not sell some of it which is not there for some of it which is."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ تَبِيعُوا الذَّهَبَ بِالذَّهَبِ إِلاَّ مِثْلاً بِمِثْلٍ وَلاَ تُشِفُّوا بَعْضَهَا عَلَى بَعْضٍ وَلاَ تَبِيعُوا الْوَرِقَ بِالْوَرِقِ إِلاَّ مِثْلاً بِمِثْلٍ وَلاَ تُشِفُّوا بَعْضَهَا عَلَى بَعْضٍ وَلاَ تَبِيعُوا مِنْهَا شَيْئًا غَائِبًا بِنَاجِزٍ " .

USC-MSA web (English) reference : Book 31, Hadith 30
Arabic reference : Book 31, Hadith 1321

Yahya related to me from Malik from Humayd ibn Qays al-Makki that Mujahid said, "I was with Abdullah ibn Umar and an artisan came to him and said, 'Abu Abd ar-Rahman - I fashion gold and then sell what I have made for more than its weight. I take an amount equivalent to the work of my hand.' Abdullah forbade him to do that, so the artisan repeated the question to him, and Abdullah continued to forbid him until he came to the door of the mosque or to an animal that he intended to mount. Then Abdullah ibn Umar said, 'A dinar for a dinar, and a dirham for a dirham. There is no increase between them. This is the command of ourProphet to us and our advice to you.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدِ بْنِ قَيْسٍ الْمَكِّيِّ، عَنْ مُجَاهِدٍ، أَنَّهُ قَالَ كُنْتُ مَعَ عَبْدِ اللَّهِ بْنِ عُمَرَ فَجَاءَهُ صَائِغٌ فَقَالَ لَهُ يَا أَبَا عَبْدِ الرَّحْمَنِ إِنِّي أَصُوغُ الذَّهَبَ ثُمَّ أَبِيعُ الشَّىْءَ مِنْ ذَلِكَ بِأَكْثَرَ مِنْ وَزْنِهِ فَأَسْتَفْضِلُ مِنْ ذَلِكَ قَدْرَ عَمَلِ يَدِي . فَنَهَاهُ عَبْدُ اللَّهِ عَنْ ذَلِكَ فَجَعَلَ الصَّائِغُ يُرَدِّدُ عَلَيْهِ الْمَسْأَلَةَ وَعَبْدُ اللَّهِ يَنْهَاهُ حَتَّى انْتَهَى إِلَى بَابِ الْمَسْجِدِ أَوْ إِلَى دَابَّةٍ يُرِيدُ أَنْ يَرْكَبَهَا ثُمَّ قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ الدِّينَارُ بِالدِّينَارِ وَالدِّرْهَمُ بِالدِّرْهَمِ لاَ فَضْلَ بَيْنَهُمَا هَذَا عَهْدُ نَبِيِّنَا إِلَيْنَا وَعَهْدُنَا إِلَيْكُمْ .

USC-MSA web (English) reference : Book 31, Hadith 31
Arabic reference : Book 31, Hadith 1322

Yahya related to me from Malik that he had heard from his grandfather, Malik ibn Abi Amir that Uthman ibn Affan said, "The Messenger of Allah, may Allah bless him and grant him peace, said to me, 'Do not sell a dinar for two dinars nor a dirham for two dirhams.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ جَدِّهِ، مَالِكِ بْنِ أَبِي عَامِرٍ أَنَّ عُثْمَانَ بْنَ عَفَّانَ،

قَالَ قَالَ لِي رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ تَبِيعُوا الدِّينَارَ بِالدِّينَارَيْنِ وَلاَ الدِّرْهَمَ بِالدِّرْهَمَيْنِ " .

USC-MSA web (English) reference : Book 31, Hadith 32
Arabic reference : Book 31, Hadith 1323

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that Muawiya ibn Abi Sufyan sold a gold or silver drinking- vessel for more than its weight. Abu'dDarda said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, forbidding such sales except like for like." Muawiya said to him, "I don't see any harm in it." Abu'd-Darda said to him, "Who will excuse me from Muawiya? I tell him something from the Messenger of Allah, may Allah bless him and grant him peace, and he gives me his own opinion! I will not live in the same land as you!" Then Abu'd-Darda went to Umar ibn al-Khattab and mentioned that to him. Umar ibn al-Khattab therefore wrote to Muawiya, "Do not sell it except like for like, weight for weight."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ، بَاعَ سِقَايَةً مِنْ ذَهَبٍ أَوْ وَرِقٍ بِأَكْثَرَ مِنْ وَزْنِهَا فَقَالَ أَبُو الدَّرْدَاءِ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَنْهَى عَنْ مِثْلِ هَذَا إِلاَّ مِثْلاً بِمِثْلٍ . فَقَالَ لَهُ مُعَاوِيَةُ مَا أَرَى بِمِثْلِ هَذَا بَأْسًا . فَقَالَ أَبُو الدَّرْدَاءِ مَنْ يَعْذِرُنِي مِنْ مُعَاوِيَةَ أَنَا أُخْبِرُهُ عَنْ رَسُولِ اللَّهِ صلى الله عليه وسلم وَيُخْبِرُنِي عَنْ رَأْيِهِ لاَ أُسَاكِنُكَ بِأَرْضٍ أَنْتَ بِهَا . ثُمَّ قَدِمَ أَبُو الدَّرْدَاءِ عَلَى عُمَرَ بْنِ الْخَطَّابِ فَذَكَرَ ذَلِكَ لَهُ فَكَتَبَ عُمَرُ بْنُ الْخَطَّابِ إِلَى مُعَاوِيَةَ أَنْ لاَ تَبِيعَ ذَلِكَ إِلاَّ مِثْلاً بِمِثْلٍ وَزْنًا بِوَزْنٍ .

USC-MSA web (English) reference : Book 31, Hadith 33
Arabic reference : Book 31, Hadith 1324

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab said, "Do not sell gold for gold except like for like, and do not increase one part over another part. Do not sell silver for silver except like for like, and do not increase one part over another part. Do not sell silver for gold, one of them at hand and the other to be given later. If someone seeks to delay paying you until he has been to his house, do not leave him. I fear rama for you." Rama is usury.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لاَ تَبِيعُوا الذَّهَبَ بِالذَّهَبِ إِلاَّ مِثْلاً بِمِثْلٍ وَلاَ تُشِفُّوا بَعْضَهَا عَلَى بَعْضٍ وَلاَ تَبِيعُوا الْوَرِقَ بِالْوَرِقِ إِلاَّ مِثْلاً بِمِثْلٍ وَلاَ تُشِفُّوا بَعْضَهَا عَلَى بَعْضٍ وَلاَ تَبِيعُوا الْوَرِقَ بِالذَّهَبِ أَحَدُهُمَا غَائِبٌ وَالآخَرُ نَاجِزٌ وَإِنِ اسْتَنْظَرَكَ إِلَى أَنْ يَلِجَ بَيْتَهُ فَلاَ تُنْظِرْهُ إِنِّي أَخَافُ عَلَيْكُمُ الرَّمَاءَ وَالرَّمَاءُ هُوَ الرِّبَا .

USC-MSA web (English) reference : Book 31, Hadith 34
Arabic reference : Book 31, Hadith 1325

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that Umar ibn al-Khattab said, "Do not sell gold for gold except like for like. Do not increase part of it over another part. Do not sell silver for silver except like for like, and do not increase part of it over another part. Do not sell some of it which is there for some of it which is not. If someone asks you to wait for payment until he has been to his house, do not leave him. I fear rama for you." Rama is usury.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لاَ تَبِيعُوا الذَّهَبَ بِالذَّهَبِ إِلاَّ مِثْلاً بِمِثْلٍ وَلاَ تُشِفُّوا بَعْضَهَا عَلَى بَعْضٍ وَلاَ تَبِيعُوا الْوَرِقَ بِالْوَرِقِ إِلاَّ مِثْلاً بِمِثْلٍ وَلاَ تُشِفُّوا بَعْضَهَا عَلَى بَعْضٍ وَلاَ تَبِيعُوا شَيْئًا مِنْهَا غَائِبًا بِنَاجِزٍ . وَإِنِ اسْتَنْظَرَكَ إِلَى أَنْ يَلِجَ بَيْتَهُ فَلاَ تُنْظِرْهُ إِنِّي أَخَافُ عَلَيْكُمُ الرَّمَاءَ وَالرَّمَاءُ هُوَ الرِّبَا .

USC-MSA web (English) reference : Book 31, Hadith 35
Arabic reference : Book 31, Hadith 1326

Yahya related to me from Malik that he had heard that al-Oasim ibn Muhammad said, ''Umar ibn al-Khattab said, 'A dinar for a dinar, and a dirham for adirham, and a sa for a sa. Something to be collected later is not to be sold for something at hand. ' "

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ قَالَ قَالَ عُمَرُ بْنُ الْخَطَّابِ الدِّينَارُ بِالدِّينَارِ وَالدِّرْهَمُ بِالدِّرْهَمِ وَالصَّاعُ بِالصَّاعِ وَلاَ يُبَاعُ كَالِئٌ بِنَاجِزٍ .

USC-MSA web (English) reference : Book 31, Hadith 36
Arabic reference : Book 31, Hadith 1327

Yahya related to me from Malik that Abu'z-Zinad heard Said ibn al-Musayyab say, "There is usury only in gold or silver or what is weighed or measured of what is eaten or drunk."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ لاَ رِبًا إِلاَّ فِي ذَهَبٍ أَوْ فِضَّةٍ أَوْ مَا يُكَالُ أَوْ يُوزَنُ بِمَا يُؤْكَلُ أَوْ يُشْرَبُ .

USC-MSA web (English) reference : Book 31, Hadith 37
Arabic reference : Book 31, Hadith 1328

Yahya related to me from Malik that Yahya ibn Said heard Said ibn al-Musayyab say, "Keeping gold and silver out of circulation is part of working corruption in the land."

Malik said, "There is no harm in buying gold with silver or silver with gold without measuring if it is unminted or a piece of jewellery which has been made. Counted dirhams and counted dinars should not be bought without reckoning until they are known and counted. To abandon number and buy them at random would only be to

speculate. That is not part of the business transactions of Muslims. As for what is weighed of unminted objects and jewellery, there is no harm in buying such things without measuring. To buy them without measuring is like buying wheat, dried dates, and such food-stuffs, which are sold without measuring, even though things like them are measured "

Malik spoke about buying a Qur'an, a sword or a signet ring which had some gold or silver work on it with dinars or dirhams. He said, "The value of the object bought with dinars, which has gold in it is looked at. If the value of the gold is up to one-third of the price, it is permitted and there is no harm in it if the sale is hand to hand and there is no deferment in it. When something is bought with silver which has silver in it, the value is looked at. If the value of the silver is one- third, it is permitted and there is no harm in it if the sale is hand to hand. That is still the way of doing things among us."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ قَطْعُ الذَّهَبِ وَالْوَرِقِ مِنَ الْفَسَادِ فِي الأَرْضِ . قَالَ مَالِكٌ وَلاَ بَأْسَ أَنْ يَشْتَرِيَ الرَّجُلُ الذَّهَبَ بِالْفِضَّةِ وَالْفِضَّةَ بِالذَّهَبِ جِزَافًا إِذَا كَانَ تِبْرًا أَوْ حَلْيًا قَدْ صِيغَ فَأَمَّا الدَّرَاهِمُ الْمَعْدُودَةُ وَالدَّنَانِيرُ الْمَعْدُودَةُ فَلاَ يَنْبَغِي لأَحَدٍ أَنْ يَشْتَرِيَ ذَلِكَ جِزَافًا حَتَّى يُعْلَمَ وَيُعَدَّ فَإِنِ اشْتُرِيَ ذَلِكَ جِزَافًا فَإِنَّمَا يُرَادُ بِهِ الْغَرَرُ حِينَ يُتْرَكُ عَدُّهُ وَيُشْتَرَى جِزَافًا وَلَيْسَ هَذَا مِنْ بُيُوعِ الْمُسْلِمِينَ فَأَمَّا مَا كَانَ يُوزَنُ مِنَ التِّبْرِ وَالْحَلْىِ فَلاَ بَأْسَ أَنْ يُبَاعَ ذَلِكَ جِزَافًا وَإِنَّمَا ابْتِيَاعُ ذَلِكَ جِزَافًا كَهَيْئَةِ الْحِنْطَةِ وَالتَّمْرِ وَنَحْوِهِمَا مِنَ الأَطْعِمَةِ الَّتِي تُبَاعُ جِزَافًا وَمِثْلُهَا يُكَالُ فَلَيْسَ بِابْتِيَاعِ ذَلِكَ جِزَافًا بَأْسٌ . قَالَ مَالِكٌ مَنِ اشْتَرَى مُصْحَفًا أَوْ سَيْفًا أَوْ خَاتَمًا وَفِي شَىْءٍ مِنْ ذَلِكَ ذَهَبٌ أَوْ فِضَّةٌ بِدَنَانِيرَ أَوْ دَرَاهِمَ فَإِنَّ مَا اشْتُرِيَ مِنْ ذَلِكَ وَفِيهِ الذَّهَبُ بِدَنَانِيرَ فَإِنَّهُ يُنْظَرُ إِلَى قِيمَتِهِ فَإِنْ كَانَتْ قِيمَةُ ذَلِكَ الثُّلُثَيْنِ وَقِيمَةُ مَا فِيهِ مِنَ الذَّهَبِ الثُّلُثَ فَذَلِكَ جَائِزٌ لاَ بَأْسَ بِهِ إِذَا كَانَ ذَلِكَ يَدًا بِيَدٍ وَلاَ يَكُونُ فِيهِ تَأْخِيرٌ وَمَا اشْتُرِيَ مِنْ ذَلِكَ بِالْوَرِقِ مِمَّا فِيهِ الْوَرِقُ نُظِرَ إِلَى قِيمَتِهِ فَإِنْ كَانَ قِيمَةُ ذَلِكَ الثُّلُثَيْنِ وَقِيمَةُ مَا فِيهِ مِنَ الْوَرِقِ الثُّلُثَ فَذَلِكَ جَائِزٌ لاَ بَأْسَ بِهِ إِذَا كَانَ ذَلِكَ يَدًا بِيَدٍ وَلَمْ يَزَلْ ذَلِكَ مِنْ أَمْرِ النَّاسِ عِنْدَنَا .

USC-MSA web (English) reference : Book 31, Hadith 37
Arabic reference : Book 31, Hadith 1329

Yahya related to me from Malik from Ibn Shihab from Malik ibn Aus ibn al-Hadathan an-Nasri that one time he asked to exchange 100 dinars. He said, "Talha ibn Ubaydullah called me over and we made a mutual agreement that he would make an exchange for me. He took the gold and turned it about in his hand, and then said, 'I can't do it until my treasurer brings the money to me from al-Ghaba.' Umar ibn al- Khattab was listening and Umar said, 'By Allah! Do not leave him until you have taken it from him!' Then he said, 'The Messenger of Allah, may Allah bless him and grant him peace, said, "Gold for silver is usury except hand to hand. Wheat for wheat is usury except hand to hand. Dates for dates is usury except hand to hand. Barley for barley is usury except hand to hand." "'

Malik said, "When a man buys dirhams with dinars and then finds a bad dirham among them and wants to return it, the exchange of the dinars breaks down, and he returns the silver and takes back his dinars. The explanation of what is disapproved of in that is that the Messenger of Allah, may Allah bless him and grant him peace, said, 'Gold for silver is usury except hand to hand.' and Umar ibn al-Khattab said, 'If someone asks you to wait to be paid until he has gone back to his house, do not leave him.' When he returns a dirham to him from the exchange after he has left him, it is like a debt or something deferred. For that reason, it is disapproved of, and the exchange collapses. Umar ibn al-Khattab wanted that all gold, silver and food should not be sold for goods to be paid later. He did not want there to be any delay or deferment in any such sale, whether it involved one commodity or different sorts of commodities."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ مَالِكِ بْنِ أَوْسِ بْنِ الْحَدَثَانِ النَّصْرِيِّ، أَنَّهُ الْتَمَسَ صَرْفًا بِمِائَةِ دِينَارٍ قَالَ فَدَعَانِي طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ فَتَرَاوَضْنَا حَتَّى اصْطَرَفَ مِنِّي وَأَخَذَ الذَّهَبَ يُقَلِّبُهَا فِي يَدِهِ ثُمَّ قَالَ حَتَّى يَأْتِيَنِي خَازِنِي مِنَ الْغَابَةِ . وَعُمَرُ بْنُ الْخَطَّابِ يَسْمَعُ . فَقَالَ عُمَرُ وَاللَّهِ لاَ تُفَارِقْهُ حَتَّى تَأْخُذَ مِنْهُ - ثُمَّ قَالَ - قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " الذَّهَبُ بِالْوَرِقِ رِبًا إِلاَّ هَاءَ وَهَاءَ وَالْبُرُّ بِالْبُرِّ رِبًا إِلاَّ هَاءَ وَهَاءَ وَالتَّمْرُ بِالتَّمْرِ رِبًا إِلاَّ هَاءَ وَهَاءَ وَالشَّعِيرُ بِالشَّعِيرِ رِبًا إِلاَّ هَاءَ وَهَاءَ " .

USC-MSA web (English) reference : Book 31, Hadith 38
Arabic reference : Book 31, Hadith 1330

Yahya related to me from Malik that Yazid ibn Abdullah ibn Qusayt saw Said ibn al-Musayyab sell gold counterpoising for gold. He poured his gold into one pan of the scales, and the man with whom he was counterpoising put his gold in the other pan of the scale and when the tongue of the scales was balanced, they took and gave.

Malik said, "According to the way things are done among us there is no harm in selling gold for gold, and silver for silver by counterpoising weight, even if 11 dinars are taken for 10 dinars hand to hand, when the weight of gold is equal, coin for coin, even if the number is different. Dirhams in such a situation are treated the same way as dinars."
Malik said, "If, when counterpoising gold for gold or silver for silver, there is a difference of weight, one party should not give the other the value of the difference in silver or something else. Such a transaction is ugly and a means to usury because if one of the parties were permitted to take the difference for a separate price, it could be as if he had bought it separately, so he would be permitted. Then it would be possible for him to ask for many times the value of the difference in order to permit the completion of the transaction between the two parties.
Malik said, "If he had really been sold the difference without anything else with it, he would not have taken it for a tenth of the price for which he took it in order to put a 'legal front' on the transaction. This leads to allowing what is forbidden . The matter is forbidden."
Malik said that it was not good when counterpoising to give good old gold coins and put along with them unminted gold in exchange for worn kufic gold, which was unpopular and to then treat the exchange as like for like.
Malik said, "The commentary on why that is disapproved is that the owner of the good gold uses the excellence of his old gold coins as an excuse to throw in the unminted gold with it. Had it not been for the superiority of his (good) gold over the gold of the other party, the other party would not have counterpoised the unminted gold for his kufic gold, and the deal would have been refused.
"It is like a man wanting to buy three sa of ajwa dried dates for two sa and a mudd of kabis dates, and on being told that it was not good, then offering two sa of kabis and a sa of poor dates desiring to make the sale possible. That is not good because the owner of the ajwa should not give him a sa of ajwa for a sa of poor dates. He would only give him that because of the excellence of kabis dates.
"Or it is like a man asking some one to sell him three sa of white wheat for two and a half sa of Syrian wheat, and being told that it was not good except like for like, and so offering two sa of wheat and one sa of barley intending to make the sale possible between them. That is not good because no one would have given a sa of barley for a sa of white wheat had that sa been by itself. It was only given because of the excellence of Syrian wheat over the white wheat. This is not good. It is the same as the case of the unminted gold."
Malik said, "Where gold, silver and food, things which should only be sold like for like, are concerned, something disliked and of poor quality should not be put with something good and desirable in order to make the sale possible and to make a bad situation halal. When something of desirable quality is put with something of poor quality and it is only included so that its excellence in quality is noticed, something is being sold which if it had been sold on its own, would not have been accepted and to which the buyer would not have paid any attention. It is only accepted by the buyer because of the superiority of what comes with it over his own goods. Transactions involving gold, silver, or

food, must not have anything of this description enter into them. If the owner of the poor quality goods wants to sell them, he sells them on their own, and does not put anything with them. There is no harm if it is like that."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ، أَنَّهُ رَأَى سَعِيدَ بْنَ الْمُسَيَّبِ يُرَاطِلُ الذَّهَبَ بِالذَّهَبِ فَيُفْرِغُ ذَهَبَهُ فِي كِفَّةِ الْمِيزَانِ وَيُفْرِغُ صَاحِبُهُ الَّذِي يُرَاطِلُهُ ذَهَبَهُ فِي كِفَّةِ الْمِيزَانِ الأُخْرَى فَإِذَا اعْتَدَلَ لِسَانُ الْمِيزَانِ أَخَذَ وَأَعْطَى . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي بَيْعِ الذَّهَبِ بِالذَّهَبِ وَالْوَرِقِ بِالْوَرِقِ مُرَاطَلَةً أَنَّهُ لاَ بَأْسَ بِذَلِكَ أَنْ يَأْخُذَ أَحَدَ عَشَرَ دِينَارًا بِعَشَرَةِ دَنَانِيرَ يَدًا بِيَدٍ إِذَا كَانَ وَزْنُ الذَّهَبَيْنِ سَوَاءً عَيْنًا بِعَيْنٍ وَإِنْ تَفَاضَلَ الْعَدَدُ وَالدَّرَاهِمُ أَيْضًا فِي ذَلِكَ بِمَنْزِلَةِ الدَّنَانِيرِ . قَالَ مَالِكٌ مَنْ رَاطَلَ ذَهَبًا بِذَهَبٍ أَوْ وَرِقًا بِوَرِقٍ فَكَانَ بَيْنَ الذَّهَبَيْنِ فَضْلُ مِثْقَالٍ فَأَعْطَى صَاحِبَهُ قِيمَتَهُ مِنَ الْوَرِقِ أَوْ مِنْ غَيْرِهَا فَلاَ يَأْخُذُهُ فَإِنَّ ذَلِكَ قَبِيحٌ وَذَرِيعَةٌ إِلَى الرِّبَا لأَنَّهُ إِذَا جَازَ لَهُ أَنْ يَأْخُذَ الْمِثْقَالَ بِقِيمَتِهِ حَتَّى كَأَنَّهُ اشْتَرَاهُ عَلَى حِدَتِهِ جَازَ لَهُ أَنْ يَأْخُذَ الْمِثْقَالَ بِقِيمَتِهِ مِرَارًا لأَنْ يُجِيزَ ذَلِكَ الْبَيْعَ بَيْنَهُ وَبَيْنَ صَاحِبِهِ . قَالَ مَالِكٌ وَلَوْ أَنَّهُ بَاعَهُ ذَلِكَ الْمِثْقَالَ مُفْرَدًا لَيْسَ مَعَهُ غَيْرُهُ لَمْ يَأْخُذْهُ بِعُشْرِ الثَّمَنِ الَّذِي أَخَذَهُ بِهِ لأَنْ يُجَوِّزَ لَهُ الْبَيْعَ فَذَلِكَ الذَّرِيعَةُ إِلَى إِحْلاَلِ الْحَرَامِ وَالأَمْرُ الْمَنْهِيُّ عَنْهُ . قَالَ مَالِكٌ فِي الرَّجُلِ يُرَاطِلُ الرَّجُلَ وَيُعْطِيهِ الذَّهَبَ الْعُتُقَ الْجِيَادَ وَيَجْعَلُ مَعَهَا تِبْرًا ذَهَبًا غَيْرَ جَيِّدَةٍ وَيَأْخُذُ مِنْ صَاحِبِهِ ذَهَبًا كُوفِيَّةً مُقَطَّعَةً وَتِلْكَ الْكُوفِيَّةُ مَكْرُوهَةٌ عِنْدَ النَّاسِ فَيَتَبَايَعَانِ ذَلِكَ مِثْلاً بِمِثْلٍ إِنَّ ذَلِكَ لاَ يَصْلُحُ . قَالَ مَالِكٌ وَتَفْسِيرُ مَا كُرِهَ مِنْ ذَلِكَ أَنَّ صَاحِبَ الذَّهَبِ الْجِيَادِ أَخَذَ فَضْلَ عُيُونِ ذَهَبِهِ فِي التِّبْرِ الَّذِي طَرَحَ مَعَ ذَهَبِهِ وَلَوْلاَ فَضْلُ ذَهَبِهِ عَلَى ذَهَبِ صَاحِبِهِ لَمْ يُرَاطِلْهُ صَاحِبُهُ بِتِبْرِهِ ذَلِكَ إِلَى ذَهَبِهِ الْكُوفِيَّةِ فَامْتَنَعَ وَإِنَّمَا مَثَلُ ذَلِكَ كَمَثَلِ رَجُلٍ أَرَادَ أَنْ يَبْتَاعَ ثَلاَثَةَ أَصْوُعٍ مِنْ تَمْرٍ عَجْوَةٍ بِصَاعَيْنِ وَمُدٍّ مِنْ تَمْرٍ كَبِيسٍ فَقِيلَ لَهُ هَذَا لاَ يَصْلُحُ . فَجَعَلَ صَاعَيْنِ مِنْ كَبِيسٍ وَصَاعًا مِنْ حَشَفٍ يُرِيدُ أَنْ يُجِيزَ بِذَلِكَ بَيْعَهُ فَذَلِكَ لاَ يَصْلُحُ لأَنَّهُ لَمْ يَكُنْ صَاحِبُ الْعَجْوَةِ لِيُعْطِيَهُ صَاعًا مِنَ الْعَجْوَةِ بِصَاعٍ مِنْ حَشَفٍ وَلَكِنَّهُ إِنَّمَا أَعْطَاهُ ذَلِكَ لِفَضْلِ الْكَبِيسِ أَوْ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ بِعْنِي ثَلاَثَةَ أَصْوُعٍ مِنَ الْبَيْضَاءِ بِصَاعَيْنِ وَنِصْفٍ مِنْ حِنْطَةٍ شَامِيَّةٍ فَيَقُولُ هَذَا لاَ يَصْلُحُ إِلاَّ مِثْلاً بِمِثْلٍ . فَيَجْعَلُ صَاعَيْنِ مِنْ حِنْطَةٍ شَامِيَّةٍ وَصَاعًا مِنْ شَعِيرٍ يُرِيدُ أَنْ يُجِيزَ بِذَلِكَ الْبَيْعَ فِيمَا بَيْنَهُمَا فَهَذَا لاَ يَصْلُحُ لأَنَّهُ لَمْ يَكُنْ لِيُعْطِيَهُ بِصَاعٍ مِنْ شَعِيرٍ صَاعًا مِنْ حِنْطَةٍ بَيْضَاءَ لَوْ كَانَ ذَلِكَ الصَّاعُ مُفْرَدًا وَإِنَّمَا أَعْطَاهُ إِيَّاهُ لِفَضْلِ الشَّامِيَّةِ عَلَى الْبَيْضَاءِ فَهَذَا لاَ يَصْلُحُ وَهُوَ مِثْلُ مَا وَصَفْنَا مِنَ التِّبْرِ . قَالَ مَالِكٌ فَكُلُّ شَىْءٍ مِنَ الذَّهَبِ وَالْوَرِقِ وَالطَّعَامِ كُلِّهِ الَّذِي لاَ يَنْبَغِي أَنْ يُبَاعَ إِلاَّ مِثْلاً بِمِثْلٍ فَلاَ يَنْبَغِي أَنْ يُجْعَلَ مَعَ الصِّنْفِ الْجَيِّدِ مِنَ الْمَرْغُوبِ فِيهِ الشَّىْءُ الرَّدِيءُ الْمَسْخُوطُ لِيُجَازَ الْبَيْعُ وَلِيُسْتَحَلَّ بِذَلِكَ مَا نُهِيَ عَنْهُ مِنَ الأَمْرِ الَّذِي لاَ يَصْلُحُ إِذَا جُعِلَ ذَلِكَ مَعَ الصِّنْفِ الْمَرْغُوبِ فِيهِ وَإِنَّمَا يُرِيدُ صَاحِبُ ذَلِكَ أَنْ يُدْرِكَ بِذَلِكَ فَضْلَ جَوْدَةِ مَا يَبِيعُ فَيُعْطِيَ الشَّىْءَ الَّذِي لَوْ أَعْطَاهُ وَحْدَهُ لَمْ يَقْبَلْهُ صَاحِبُهُ وَلَمْ يَهْمُمْ بِذَلِكَ وَإِنَّمَا يَقْبَلُهُ مِنْ أَجْلِ الَّذِي يَأْخُذُ مَعَهُ لِفَضْلِ سِلْعَةِ صَاحِبِهِ عَلَى سِلْعَتِهِ فَلاَ يَنْبَغِي لِشَىْءٍ مِنَ الذَّهَبِ وَالْوَرِقِ وَالطَّعَامِ أَنْ يَدْخُلَهُ شَىْءٌ مِنْ هَذِهِ الصِّفَةِ فَإِنْ أَرَادَ صَاحِبُ الطَّعَامِ الرَّدِيءِ أَنْ يَبِيعَهُ بِغَيْرِهِ فَلْيَبِعْهُ عَلَى حِدَتِهِ وَلاَ يَجْعَلْ مَعَ ذَلِكَ شَيْئًا فَلاَ بَأْسَ بِهِ إِذَا كَانَ كَذَلِكَ .

USC-MSA web (English) reference : Book 31, Hadith 39
Arabic reference : Book 31, Hadith 1331

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Someone who buys food, must not resell it until he takes delivery of it all."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنِ ابْتَاعَ طَعَامًا فَلاَ يَبِعْهُ حَتَّى يَسْتَوْفِيَهُ " .

USC-MSA web (English) reference : Book 31, Hadith 40
Arabic reference : Book 31, Hadith 1332

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Someone who buys food, must not sell it until he takes possession of it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنِ ابْتَاعَ طَعَامًا فَلاَ يَبِعْهُ حَتَّى يَقْبِضَهُ " .

USC-MSA web (English) reference : Book 31, Hadith 41
Arabic reference : Book 31, Hadith 1333

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "In the time of the Messenger of Allah, may Allah bless him and grant him peace, we used to buy food. He sent orders for us to move our purchases from the place in which we purchased them to another place before we re-sold them."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ كُنَّا فِي زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم نَبْتَاعُ الطَّعَامَ فَيَبْعَثُ عَلَيْنَا مَنْ يَأْمُرُنَا بِانْتِقَالِهِ مِنَ الْمَكَانِ الَّذِي ابْتَعْنَاهُ فِيهِ إِلَى مَكَانٍ سِوَاهُ قَبْلَ أَنْ نَبِيعَهُ .

USC-MSA web (English) reference : Book 31, Hadith 42
Arabic reference : Book 31, Hadith 1334

Yahya related to me from Malik from Nafi that Hakim ibn Hizam traded in food for people as Umar ibn al-Khattab had ordered him to do. Hakim re-sold the food before he had taken delivery of it. That reached Umar ibn al-Khattab and he revoked the sale and said, "Do not sell food which you have purchased until you take delivery of it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، . أَنَّ حَكِيمَ بْنَ حِزَامٍ، ابْتَاعَ طَعَامًا أَمَرَ بِهِ عُمَرُ بْنُ الْخَطَّابِ لِلنَّاسِ فَبَاعَ حَكِيمٌ الطَّعَامَ قَبْلَ أَنْ يَسْتَوْفِيَهُ فَبَلَغَ ذَلِكَ عُمَرَ بْنَ الْخَطَّابِ فَرَدَّهُ عَلَيْهِ وَقَالَ لاَ تَبِعْ طَعَامًا ابْتَعْتَهُ حَتَّى تَسْتَوْفِيَهُ .

USC-MSA web (English) reference : Book 31, Hadith 43
Arabic reference : Book 31, Hadith 1335

Yahya related to me from Malik that he had heard that receipts were given to people in the time of Marwan ibn al-Hakam for the produce of the market at al-Jar. People bought and sold the receipts among themselves before they took delivery of the goods. Zayd Thabit and one of the Companions of the Messenger of Allah, may Allah bless him and grant him peace, went to Marwan ibn al-Hakam and said, "Marwan! Do you make usury halal?" He said, "I seek refuge with Allah! What is that?" He said, "These receipts which people buy and sell before they take delivery of the goods." Marwan therefore sent a guard to follow them and to take them from people's hands and return them to their owners.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ . أَنَّ صُكُوكًا، خَرَجَتْ لِلنَّاسِ فِي زَمَانِ مَرْوَانَ بْنِ الْحَكَمِ مِنْ طَعَامِ الْجَارِ فَتَبَايَعَ النَّاسُ تِلْكَ الصُّكُوكَ بَيْنَهُمْ قَبْلَ أَنْ يَسْتَوْفُوهَا فَدَخَلَ زَيْدُ بْنُ ثَابِتٍ وَرَجُلٌ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم عَلَى مَرْوَانَ بْنِ

الْحَكَمِ فَقَالاَ أَتُحِلُّ بَيْعَ الرِّبَا يَا مَرْوَانُ . فَقَالَ أَعُوذُ بِاللَّهِ وَمَا ذَاكَ فَقَالاَ هَذِهِ الصُّكُوكُ تَبَايَعَهَا النَّاسُ ثُمَّ بَاعُوهَا قَبْلَ أَنْ يَسْتَوْفُوهَا فَبَعَثَ مَرْوَانُ الْحَرَسَ يَتْبَعُونَهَا يَنْزِعُونَهَا مِنْ أَيْدِي النَّاسِ وَيَرُدُّونَهَا إِلَى أَهْلِهَا .

USC-MSA web (English) reference : Book 31, Hadith 44
Arabic reference : Book 31, Hadith 1336

Yahya related to me from Malik that he had heard that a man wanted to buy food from a man in advance. The man who wanted to sell the food to him went with him to the market, and he began to show him heaps, saying, "Which one would you like me to buy for you." The buyer said to him, "Are you selling me what you do not have?" So they came to Abdullah ibn Umarand mentioned that to him. Abdallah ibn Umar said to the buyer, "Do not buy from him what he does not have." He said to the seller, "Do not sell what you do not have."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، أَرَادَ أَنْ يَبْتَاعَ طَعَامًا مِنْ رَجُلٍ إِلَى أَجَلٍ فَذَهَبَ بِهِ الرَّجُلُ الَّذِي يُرِيدُ أَنْ يَبِيعَهُ الطَّعَامَ إِلَى السُّوقِ فَجَعَلَ يُرِيهِ الصُّبَرَ وَيَقُولُ لَهُ مِنْ أَيِّهَا تُحِبُّ أَنْ أَبْتَاعَ لَكَ فَقَالَ الْمُبْتَاعُ أَتَبِيعُنِي مَا لَيْسَ عِنْدَكَ فَأَتَيَا عَبْدَ اللَّهِ بْنَ عُمَرَ فَذَكَرَا ذَلِكَ لَهُ فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ لِلْمُبْتَاعِ لاَ تَبْتَعْ مِنْهُ مَا لَيْسَ عِنْدَهُ . وَقَالَ لِلْبَائِعِ لاَ تَبِعْ مَا لَيْسَ عِنْدَكَ .

USC-MSA web (English) reference : Book 31, Hadith 45
Arabic reference : Book 31, Hadith 1337

Yahya related to me from Malik that Yahya ibn Said heard Jamil ibn Abd ar-Rahman the Muadhdhin say to Said ibn al-Musayyab, "I am a man who buys whatever Allah wills of the receipts for the provisions which people are offered at al-Jar. I want to take payment for goods that I guarantee to deliver at a future date." Said said to him, "Do you intend to settle these things with receipts for provisions you have bought?" He said, "Yes." So he forbade that.

Malik said, "The generally agreed on way of doing things among us in which there is no dispute, about buying food - wheat, barley, durra-sorghum, pearl millet, or any pulse or anything resembling pulses on which zakat is obliged, or condiments of any sort - oil, ghee, honey, vinegar, cheese, sesame oil, milk and so on, is that the buyer should not re-sell any of that until he has taken possession and complete delivery of it.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ جَمِيلَ بْنَ عَبْدِ الرَّحْمَنِ الْمُؤَذِّنَ، يَقُولُ لِسَعِيدِ بْنِ الْمُسَيَّبِ إِنِّي رَجُلٌ أَبْتَاعُ مِنَ الأَرْزَاقِ الَّتِي تُعْطَى النَّاسُ بِالْجَارِ مَا شَاءَ اللَّهُ ثُمَّ أُرِيدُ أَنْ أَبِيعَ الطَّعَامَ الْمَضْمُونَ عَلَىَّ إِلَى أَجَلٍ . فَقَالَ لَهُ سَعِيدٌ أَتُرِيدُ أَنْ تُوَفِّيَهُمْ مِنْ تِلْكَ الأَرْزَاقِ الَّتِي ابْتَعْتَ فَقَالَ نَعَمْ . فَنَهَاهُ عَنْ ذَلِكَ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا الَّذِي لاَ اخْتِلاَفَ فِيهِ أَنَّهُ مَنِ اشْتَرَى طَعَامًا بُرًّا أَوْ شَعِيرًا أَوْ سُلْتًا أَوْ ذُرَةً أَوْ دُخْنًا أَوْ شَيْئًا مِنَ الْحُبُوبِ الْقِطْنِيَّةِ أَوْ شَيْئًا مِمَّا يُشْبِهُ الْقِطْنِيَّةَ مِمَّا تَجِبُ فِيهِ الزَّكَاةُ أَوْ شَيْئًا مِنَ الأُدْمِ كُلِّهَا الزَّيْتِ وَالسَّمْنِ وَالْعَسَلِ وَالْخَلِّ وَالْجُبْنِ وَالشَّبْرَقِ وَاللَّبَنِ وَمَا أَشْبَهَ ذَلِكَ مِنَ الأُدْمِ فَإِنَّ الْمُبْتَاعَ لاَ يَبِيعُ شَيْئًا مِنْ ذَلِكَ حَتَّى يَقْبِضَهُ وَيَسْتَوْفِيَهُ .

USC-MSA web (English) reference : Book 31, Hadith 46
Arabic reference : Book 31, Hadith 1338

Yahya related to me from Malik that Abu'z-Zinad heard Sa'id ibn al-Musayyab andSulayman ibn Yasar forbid a man to sell wheat for gold on delayed terms and then to buy dried dates with the gold before he had taken delivery of the gold.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، يَنْهَيَانِ أَنْ يَبِيعَ الرَّجُلُ، حِنْطَةً بِذَهَبٍ إِلَى أَجَلٍ ثُمَّ يَشْتَرِيَ بِالذَّهَبِ تَمْرًا قَبْلَ أَنْ يَقْبِضَ الذَّهَبَ

USC-MSA web (English) reference : Book 31, Hadith 47
Arabic reference : Book 31, Hadith 1339

Yahya related to me from Malik that Kathir ibn Farqad asked Abu Bakr ibn Muhammad ibn Amr ibn Hazm about a man who sold food to be delivered at a future date to a man for gold and then with the gold, he bought dates before he had taken delivery of the gold. He disapproved of that and forbade it.

Yahya related to me from Malik from Ibn Shihab the like of that.
Malik said, "Said ibn al-Musayyab, Sulayman ibn Yasar, Abu Bakr ibn Muhammad ibn Amr ibn Hazm, and Ibn Shihab forbade that a man sell wheat for gold and then buy dates with that gold before he had received the gold from the transaction in which he sold the wheat. There is no harm for someone to buy dates on delayed terms, on the strength of the gold for which he sold the wheat, from someone other than the person to whom he sold the wheat before taking possession of the gold, and to refer the one from whom he bought the dates to his debtor who bought the wheat, for the gold he is owed for the dates."
Malik said, "I asked more than one of the people of knowledge about that and they did not see any harm in it."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ كَثِيرِ بْنِ فَرْقَدٍ، . أَنَّهُ سَأَلَ أَبَا بَكْرِ بْنَ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنِ الرَّجُلِ، يَبِيعُ الطَّعَامَ مِنَ الرَّجُلِ بِذَهَبٍ إِلَى أَجَلٍ ثُمَّ يَشْتَرِي بِالذَّهَبِ تَمْرًا قَبْلَ أَنْ يَقْبِضَ الذَّهَبَ فَكَرِهَ ذَلِكَ وَنَهَى عَنْهُ .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، بِمِثْلِ ذَلِكَ . قَالَ مَالِكٌ وَإِنَّمَا نَهَى سَعِيدُ بْنُ الْمُسَيَّبِ وَسُلَيْمَانُ بْنُ يَسَارٍ وَأَبُو بَكْرِ بْنُ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ وَابْنُ شِهَابٍ عَنْ أَنْ لاَ يَبِيعَ الرَّجُلُ حِنْطَةً بِذَهَبٍ ثُمَّ يَشْتَرِيَ الرَّجُلُ بِالذَّهَبِ تَمْرًا قَبْلَ أَنْ يَقْبِضَ الذَّهَبَ مِنْ بَيْعِهِ الَّذِي اشْتَرَى مِنْهُ الْحِنْطَةَ فَأَمَّا أَنْ يَشْتَرِيَ بِالذَّهَبِ الَّتِي بَاعَ بِهَا الْحِنْطَةَ إِلَى أَجَلٍ تَمْرًا مِنْ غَيْرِ بَائِعِهِ الَّذِي بَاعَ مِنْهُ الْحِنْطَةَ قَبْلَ أَنْ يَقْبِضَ الذَّهَبَ وَيُحِيلَ الَّذِي اشْتَرَى مِنْهُ التَّمْرَ عَلَى غَرِيمِهِ الَّذِي بَاعَ مِنْهُ الْحِنْطَةَ بِالذَّهَبِ الَّتِي لَهُ عَلَيْهِ فِي ثَمَنِ التَّمْرِ فَلاَ بَأْسَ بِذَلِكَ . قَالَ مَالِكٌ وَقَدْ سَأَلْتُ عَنْ ذَلِكَ غَيْرَ وَاحِدٍ مِنْ أَهْلِ الْعِلْمِ فَلَمْ يَرَوْا بِهِ بَأْسًا .

USC-MSA web (English) reference : Book 31, Hadith 48
Arabic reference : Book 31, Hadith 1340

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said that there was no harm in a man making an advance to another man for food, with a set description and price until a set date, as long as it was not in crops, or dates which had not begun to ripen.

Malik said, "The way of doing things among us concerning someone who makes an advance for foodstuffs at a known rate until a stated date, and the date arrives and he finds that there is not enough of what he was sold with the seller to fulfill his order, and so he revokes the sale, is that he must only take back the silver, gold, or price which he paid exactly. He does not buy anything else from the man for the same price until he has got back what he paid. That is because if he took something else besides the price which he paid him or exchanged it for goods other than the goods which he bought from him, it would be selling food before getting delivery of it."
Malik said, "The Messenger of Allah, may Allah bless him and grant him peace, forbade selling food before getting delivery of it."
Malik said that it was not good if the buyer regretted his purchase and asked the seller to revoke the sale for him and he would not press him immediately for what he had paid. The people of knowledge forbade that. That was because

when the food was made ready for the buyer by the seller, the buyer deferred his due from the seller in order that he might revoke the sale for him. That was the sale of food with delayed terms before taking delivery of the food.

Malik said, "The explanation of that is that when the date of delivery comes and the buyer dislikes the food, the seller takes by it money to be paid later and so it is not revocation. Revocation is that in which neither the buyer nor the seller is increased. When increase occurs by deferment of payment for a time period, or by anything which increases one of them over the other or anything which gives one of them profit, it is not revocation. When either of them do that, revocation becomes a sale. There is an indulgence for revocation, partnership, and transfer, as long as i ncrease, decrease, or deferment does not come into them. If increase, decrease, or deferment comes into it, it becomes a sale. Whatever makes a sale halal makes it halal and whatever makes a sale haram makes it haram."

Malik said, "If someone pays in advance for Syrian wheat, there is no harm if he takes a load after the term falls due."

Malik said, "It is the same with whoever advances for any kind of thing. There is no harm in him taking better than whatever he has made an advance for or worse than it after the agreed delivery date. The explanation of that is that if, for instance, a man advances for a certain weight of wheat. There is no harm if he decides to take some barley or Syrian wheat. If he has made an advance for good dates, there is no harm if he decides to take poor quality dates. If he paid in advance for red raisins, there is no harm if he takes black ones, when it happens after the agreed delivery date, and when the measure of what he takes is like the measure of what he paid for in advance."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ لاَ بَأْسَ بِأَنْ يُسَلِّفَ الرَّجُلُ الرَّجُلَ فِي الطَّعَامِ الْمَوْصُوفِ بِسِعْرٍ مَعْلُومٍ إِلَى أَجَلٍ مُسَمًّى مَا لَمْ يَكُنْ فِي زَرْعٍ لَمْ يَبْدُ صَلاَحُهُ أَوْ تَمْرٍ لَمْ يَبْدُ صَلاَحُهُ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِيمَنْ سَلَّفَ فِي طَعَامٍ بِسِعْرٍ مَعْلُومٍ إِلَى أَجَلٍ مُسَمًّى فَحَلَّ الأَجَلُ فَلَمْ يَجِدِ الْمُبْتَاعُ عِنْدَ الْبَائِعِ وَفَاءً مِمَّا ابْتَاعَ مِنْهُ فَأَقَالَهُ فَإِنَّهُ لاَ يَنْبَغِي لَهُ أَنْ يَأْخُذَ مِنْهُ إِلاَّ وَرِقَهُ أَوْ ذَهَبَهُ أَوِ الثَّمَنَ الَّذِي دَفَعَ إِلَيْهِ بِعَيْنِهِ وَإِنَّهُ لاَ يَشْتَرِي مِنْهُ بِذَلِكَ الثَّمَنِ شَيْئًا حَتَّى يَقْبِضَهُ مِنْهُ وَذَلِكَ أَنَّهُ إِذَا أَخَذَ غَيْرَ الثَّمَنِ الَّذِي دَفَعَ إِلَيْهِ أَوْ صَرَفَهُ فِي سِلْعَةٍ غَيْرِ الطَّعَامِ الَّذِي ابْتَاعَ مِنْهُ فَهُوَ بَيْعُ الطَّعَامِ قَبْلَ أَنْ يُسْتَوْفَى . قَالَ مَالِكٌ وَقَدْ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ بَيْعِ الطَّعَامِ قَبْلَ أَنْ يُسْتَوْفَى . قَالَ مَالِكٌ فَإِنْ نَدِمَ الْمُشْتَرِي فَقَالَ لِلْبَائِعِ أَقِلْنِي وَأُنْظِرُكَ بِالثَّمَنِ الَّذِي دَفَعْتُ إِلَيْكَ . فَإِنَّ ذَلِكَ لاَ يَصْلُحُ وَأَهْلُ الْعِلْمِ يَنْهَوْنَ عَنْهُ وَذَلِكَ أَنَّهُ لَمَّا حَلَّ الطَّعَامُ لِلْمُشْتَرِي عَلَى الْبَائِعِ أَخَّرَ عَنْهُ حَقَّهُ عَلَى أَنْ يُقِيلَهُ فَكَانَ ذَلِكَ بَيْعَ الطَّعَامِ إِلَى أَجَلٍ قَبْلَ أَنْ يُسْتَوْفَى . قَالَ مَالِكٌ وَتَفْسِيرُ ذَلِكَ أَنَّ الْمُشْتَرِيَ حِينَ حَلَّ الأَجَلُ وَكَرِهَ الطَّعَامَ أَخَذَ بِهِ دِينَارًا إِلَى أَجَلٍ وَلَيْسَ ذَلِكَ بِالإِقَالَةِ وَإِنَّمَا الإِقَالَةُ مَا لَمْ يَزْدَدْ فِيهِ الْبَائِعُ وَلاَ الْمُشْتَرِي فَإِذَا وَقَعَتْ فِيهِ الزِّيَادَةُ بِنَسِيئَةٍ إِلَى أَجَلٍ أَوْ بِشَىْءٍ يَزْدَادُهُ أَحَدُهُمَا عَلَى صَاحِبِهِ أَوْ بِشَىْءٍ يَنْتَفِعُ بِهِ أَحَدُهُمَا فَإِنَّ ذَلِكَ لَيْسَ بِالإِقَالَةِ وَإِنَّمَا تَصِيرُ الإِقَالَةُ إِذَا فَعَلاَ ذَلِكَ بَيْعًا وَإِنَّمَا أُرْخِصَ فِي الإِقَالَةِ وَالشِّرْكِ وَالتَّوْلِيَةِ مَا لَمْ يَدْخُلْ شَيْئًا مِنْ ذَلِكَ زِيَادَةٌ أَوْ نُقْصَانٌ نَظِرَةٌ فَإِنْ دَخَلَ ذَلِكَ زِيَادَةٌ أَوْ نُقْصَانٌ أَوْ نَظِرَةٌ صَارَ بَيْعًا يُحِلُّهُ مَا يُحِلُّ الْبَيْعَ وَيُحَرِّمُهُ مَا يُحَرِّمُ الْبَيْعَ . قَالَ مَالِكٌ مَنْ سَلَّفَ فِي حِنْطَةٍ شَامِيَّةٍ فَلاَ بَأْسَ أَنْ يَأْخُذَ مَحْمُولَةً بَعْدَ مَحِلِّ الأَجَلِ . قَالَ مَالِكٌ وَكَذَلِكَ مَنْ سَلَّفَ فِي صِنْفٍ مِنَ الأَصْنَافِ فَلاَ بَأْسَ أَنْ يَأْخُذَ خَيْرًا مِمَّا سَلَّفَ فِيهِ أَوْ أَدْنَى بَعْدَ مَحِلِّ الأَجَلِ وَتَفْسِيرُ ذَلِكَ أَنْ يُسَلِّفَ الرَّجُلُ فِي حِنْطَةٍ مَحْمُولَةٍ فَلاَ بَأْسَ أَنْ يَأْخُذَ شَعِيرًا أَوْ شَامِيَّةً وَإِنْ سَلَّفَ فِي تَمْرٍ عَجْوَةٍ فَلاَ بَأْسَ أَنْ يَأْخُذَ صَيْحَانِيًّا أَوْ جَمْعًا وَإِنْ سَلَّفَ فِي زَبِيبٍ أَحْمَرَ فَلاَ بَأْسَ أَنْ يَأْخُذَ أَسْوَدَ إِذَا كَانَ ذَلِكَ كُلُّهُ بَعْدَ مَحِلِّ الأَجَلِ إِذَا كَانَتْ مَكِيلَةُ ذَلِكَ سَوَاءً بِمِثْلِ كَيْلِ مَا سَلَّفَ فِيهِ .

USC-MSA web (English) reference : Book 31, Hadith 49
Arabic reference : Book 31, Hadith 1342

Yahya related to me from Malik that he had heard that Sulayman ibn Yasar said, "The fodder of the donkeys of Saad ibn Abi Waqqas ran out and so he told his slave to take some of the family's wheat and buy barley with it, and to only take a like quantity."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سُلَيْمَانَ بْنَ يَسَارٍ، قَالَ فَنِيَ عَلَفُ حِمَارِ سَعْدِ بْنِ أَبِي وَقَّاصٍ فَقَالَ لِغُلاَمِهِ خُذْ مِنْ حِنْطَةِ أَهْلِكَ فَابْتَعْ بِهَا شَعِيرًا وَلاَ تَأْخُذْ إِلاَّ مِثْلَهُ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 50
Arabic reference : Book 31, Hadith 1343

Yahya related to me from Malik from Nafi that Sulayman ibn Yasar told him that one time the fodder of the animals of Abd ar-Rahman ibn al-Aswad ibn Abd Yaghuth was finished so he said to his slave, "Take some of your family's wheat as food and buy with it barley, and take only a like quantity.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّهُ أَخْبَرَهُ أَنَّ عَبْدَ الرَّحْمَنِ بْنَ الأَسْوَدِ بْنِ عَبْدِ يَغُوثَ فَنِيَ عَلَفُ دَابَّتِهِ فَقَالَ لِغُلاَمِهِ خُذْ مِنْ حِنْطَةِ أَهْلِكَ طَعَامًا فَابْتَعْ بِهَا شَعِيرًا وَلاَ تَأْخُذْ إِلاَّ مِثْلَهُ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 51
Arabic reference : Book 31, Hadith 1344

Yahya related to me from Malik that he had heard the same as that from al-Qasim ibn Muhammad from Ibn Muayqib ad-Dawsi.

Malik said, "This is the way of doing things among us . "
Malik said, "The generally agreed on way of doing things among us is that wheat is not sold for wheat, dates for dates, wheat for dates, dates for raisins, wheat for raisins, nor any kind of food sold for food at all, except from hand to hand. If there is any sort of delayed terms in the transaction, it is not good. It is haram. Condiments are not bartered except from hand to hand."
Malik said, "Food and condiments are not bartered when they are the same type, two of one kind for one of the other. A mudd of wheat is not sold for two mudds of wheat, nor a mudd of dates for two mudds of dates, nor a mudd of raisins for two mudds of raisins, nor is anything of that sort done with grains and condiments when they are of one kind, even if it is hand to hand.
"This is the same position as silver for silver and gold for gold. No increase is halal in the transaction, and only like for like, from hand to hand is halal."
Malik said, "If there is a clear difference in foodstuffs which are measured and weighed, there is no harm in taking two of one kind for one of another, hand to hand. There is no harm in taking a sa of dates for two sa of wheat, and a sa of dates for two sa of raisins, and a sa of wheat for two sa of ghee. If the two sorts in the transaction are different, there is no harm in two for one or more than that from hand to hand. If delayed terms enter into the sale, it is not halal ."
Malik said, "It is not halal to trade a heap of wheat for a heap of wheat. There is no harm in a heap of wheat for a heap of dates, from hand to hand. That is because there is no harm in buying wheat with dates without precise measurement."
Malik said, "With kinds of foods and condiments that differ from each other, and the difference is clear, there is no harm in bartering one kind for another, without precise measurement from hand to hand. If delayed terms enter into the sale, there is no good in it. Bartering such things without precise measurement is like buying it with gold and silver without measuring precisely."

Malik said, "That is because you buy wheat with silver without measuring precisely, and dates with gold without measuring precisely, and it is halal. There is no harm in it."
Malik said, "It is not good for someone to make a heap of food, knowing its measure and then to sell it as if it had not been measured precisely, concealing its measure from the buyer. If the buyer wants to return that food to the seller, he can, because he concealed its measure and so it is an uncertain transaction. This is done with any kind of food or other goods whose measure and number the seller knows, and which he then sells without measurement and the buyer does not know that. If the buyer wants to return that to the seller, he can return t. The people of knowledge still forbid such a transaction."
Malik said, "There is no good in selling one round loaf of bread for two round loaves, nor large for small when some of them are bigger than others. When care is taken that they are like for like, there is no harm in the sale, even if they are not weighed."
Malik said, "It is not good to sell a mudd of butter and a mudd of milk for two mudds of butter. This is like what we described of selling dates when two sa of kabis and a sa of poor quality dates were sold for three sa of ajwa dates after the buyer had said to the seller, 'Two sa of kabis dates for three sa of ajwa dates is not good,' and then he did that to make the transaction possible. The owner of the milk puts the milk with his butter so that he can use the superiority of his butter over the butter of the other party to put his milk in with it."
Malik said, "Flour for wheat is like for like, and there is no harm in that. That is if he does not mix up anything with the flour and sell it for wheat, like for like. Had he put half a mudd of flour and half of wheat, and then sold that for a mudd of wheat, it would be like what we described, and it would not be good because he would want to use the superiority of his good wheat to put flour along with it. Such a transaction is not good."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنِ ابْنِ مُعَيْقِيبٍ الدَّوْسِيِّ، مِثْلُ ذَلِكَ . قَالَ مَالِكٌ وَهُوَ الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنْ لاَ تُبَاعَ الْحِنْطَةُ بِالْحِنْطَةِ وَلاَ التَّمْرُ بِالتَّمْرِ وَلاَ الْحِنْطَةُ بِالتَّمْرِ وَلاَ التَّمْرُ بِالزَّبِيبِ وَلاَ الْحِنْطَةُ بِالزَّبِيبِ وَلاَ شَىْءٌ مِنَ الطَّعَامِ كُلِّهِ إِلاَّ يَدًا بِيَدٍ فَإِنْ دَخَلَ شَيْئًا مِنْ ذَلِكَ الأَجَلُ لَمْ يَصْلُحْ وَكَانَ حَرَامًا وَلاَ شَىْءَ مِنَ الأُدْمِ كُلِّهَا إِلاَّ يَدًا بِيَدٍ . قَالَ مَالِكٌ وَلاَ يُبَاعُ شَىْءٌ مِنَ الطَّعَامِ وَالأُدْمِ إِذَا كَانَ مِنْ صِنْفٍ وَاحِدٍ اثْنَانِ بِوَاحِدٍ فَلاَ يُبَاعُ مُدُّ حِنْطَةٍ بِمُدَّىْ حِنْطَةٍ وَلاَ مُدُّ تَمْرٍ بِمُدَّىْ تَمْرٍ وَلاَ مُدُّ زَبِيبٍ بِمُدَّىْ زَبِيبٍ وَلاَ مَا أَشْبَهَ ذَلِكَ مِنَ الْحُبُوبِ وَالأُدْمِ كُلِّهَا إِذَا كَانَ مِنْ صِنْفٍ وَاحِدٍ وَإِنْ كَانَ يَدًا بِيَدٍ إِنَّمَا ذَلِكَ بِمَنْزِلَةِ الْوَرِقِ بِالْوَرِقِ وَالذَّهَبِ بِالذَّهَبِ لاَ يَحِلُّ فِي شَىْءٍ مِنْ ذَلِكَ الْفَضْلُ وَلاَ يَحِلُّ إِلاَّ مِثْلاً بِمِثْلٍ يَدًا بِيَدٍ . قَالَ مَالِكٌ وَإِذَا اخْتَلَفَ مَا يُكَالُ أَوْ يُوزَنُ مِمَّا يُؤْكَلُ أَوْ يُشْرَبُ فَبَانَ اخْتِلاَفُهُ فَلاَ بَأْسَ أَنْ يُؤْخَذَ مِنْهُ اثْنَانِ بِوَاحِدٍ يَدًا بِيَدٍ وَلاَ بَأْسَ أَنْ يُؤْخَذَ صَاعٌ مِنْ تَمْرٍ بِصَاعَيْنِ مِنْ حِنْطَةٍ وَصَاعٌ مِنْ تَمْرٍ بِصَاعَيْنِ مِنْ زَبِيبٍ وَصَاعٌ مِنْ حِنْطَةٍ بِصَاعَيْنِ مِنْ سَمْنٍ فَإِذَا كَانَ الصِّنْفَانِ مِنْ هَذَا مُخْتَلِفَيْنِ فَلاَ بَأْسَ بِاثْنَيْنِ مِنْهُ بِوَاحِدٍ أَوْ أَكْثَرَ مِنْ ذَلِكَ يَدًا بِيَدٍ فَإِنْ دَخَلَ ذَلِكَ الأَجَلُ فَلاَ يَحِلُّ . قَالَ مَالِكٌ وَلاَ تَحِلُّ صُبْرَةُ الْحِنْطَةِ بِصُبْرَةِ الْحِنْطَةِ وَلاَ بَأْسَ بِصُبْرَةِ الْحِنْطَةِ بِصُبْرَةِ التَّمْرِ يَدًا بِيَدٍ وَذَلِكَ أَنَّهُ لاَ بَأْسَ أَنْ يُشْتَرَى الْحِنْطَةُ بِالتَّمْرِ جِزَافًا . قَالَ مَالِكٌ وَكُلُّ مَا اخْتَلَفَ مِنَ الطَّعَامِ وَالأُدْمِ فَبَانَ اخْتِلاَفُهُ فَلاَ بَأْسَ أَنْ يُشْتَرَى بَعْضُهُ بِبَعْضٍ جِزَافًا يَدًا بِيَدٍ فَإِنْ دَخَلَهُ الأَجَلُ فَلاَ خَيْرَ فِيهِ وَإِنَّمَا اشْتِرَاءُ ذَلِكَ جِزَافًا كَاشْتِرَاءِ بَعْضِ ذَلِكَ بِالذَّهَبِ وَالْوَرِقِ جِزَافًا . قَالَ مَالِكٌ وَذَلِكَ أَنَّكَ تَشْتَرِي الْحِنْطَةَ بِالْوَرِقِ جِزَافًا وَالتَّمْرَ بِالذَّهَبِ جِزَافًا فَهَذَا حَلاَلٌ لاَ بَأْسَ بِهِ . قَالَ مَالِكٌ وَمَنْ صَبَّرَ صُبْرَةَ طَعَامٍ وَقَدْ عَلِمَ كَيْلَهَا ثُمَّ بَاعَهَا جِزَافًا وَكَتَمَ الْمُشْتَرِي كَيْلَهَا فَإِنَّ ذَلِكَ لاَ يَصْلُحُ فَإِنْ أَحَبَّ الْمُشْتَرِي أَنْ يَرُدَّ ذَلِكَ الطَّعَامَ عَلَى الْبَائِعِ رَدَّهُ بِمَا كَتَمَهُ كَيْلَهُ وَغَرَّهُ وَكَذَلِكَ كُلُّ مَا عَلِمَ الْبَائِعُ كَيْلَهُ وَعَدَدَهُ مِنَ الطَّعَامِ وَغَيْرِهِ ثُمَّ بَاعَهُ جِزَافًا وَلَمْ يَعْلَمِ الْمُشْتَرِي ذَلِكَ فَإِنَّ الْمُشْتَرِيَ إِنْ أَحَبَّ أَنْ يَرُدَّ ذَلِكَ عَلَى الْبَائِعِ رَدَّهُ وَلَمْ يَزَلْ أَهْلُ الْعِلْمِ يَنْهَوْنَ عَنْ ذَلِكَ . قَالَ مَالِكٌ وَلاَ خَيْرَ فِي الْخُبْزِ قُرْصٍ بِقُرْصَيْنِ وَلاَ عَظِيمٍ بِصَغِيرٍ إِذَا كَانَ بَعْضُ ذَلِكَ أَكْبَرَ

مِنْ بَعْضٍ فَأَمَّا إِذَا كَانَ يَتَحَرَّى أَنْ يَكُونَ مِثْلاً بِمِثْلٍ فَلاَ بَأْسَ بِهِ وَإِنْ لَمْ يُوزَنْ . قَالَ مَالِكٌ لاَ يَصْلُحُ مُدُّ زُبْدٍ وَمُدُّ لَبَنٍ بِمُدَّىْ زُبْدٍ وَهُوَ مِثْلُ الَّذِي وَصَفْنَا مِنَ التَّمْرِ الَّذِي يُبَاعُ صَاعَيْنِ مِنْ كَبِيسٍ وَصَاعًا مِنْ حَشَفٍ بِثَلاَثَةِ أَصْوُعٍ مِنْ عَجْوَةٍ حِينَ قَالَ لِصَاحِبِهِ إِنَّ صَاعَيْنِ مِنْ كَبِيسٍ بِثَلاَثَةِ أَصْوُعٍ مِنَ الْعَجْوَةِ لاَ يَصْلُحُ . فَفَعَلَ ذَلِكَ لِيُجِيزَ بَيْعَهُ وَإِنَّمَا جَعَلَ صَاحِبُ اللَّبَنِ اللَّبَنَ مَعَ زُبْدِهِ لِيَأْخُذَ فَضْلَ زُبْدِهِ عَلَى زُبْدِ صَاحِبِهِ حِينَ أَدْخَلَ مَعَهُ اللَّبَنَ . قَالَ مَالِكٌ وَالدَّقِيقُ بِالْحِنْطَةِ مِثْلاً بِمِثْلٍ لاَ بَأْسَ بِهِ وَذَلِكَ لأَنَّهُ أَخْلَصَ الدَّقِيقَ فَبَاعَهُ بِالْحِنْطَةِ مِثْلاً بِمِثْلٍ وَلَوْ جَعَلَ نِصْفَ الْمُدِّ مِنْ دَقِيقٍ وَنِصْفَهُ مِنْ حِنْطَةٍ فَبَاعَ ذَلِكَ بِمُدٍّ مِنْ حِنْطَةٍ كَانَ ذَلِكَ مِثْلَ الَّذِي وَصَفْنَا لاَ يَصْلُحُ لأَنَّهُ إِنَّمَا أَرَادَ أَنْ يَأْخُذَ فَضْلَ حِنْطَتِهِ الْجَيِّدَةِ حَتَّى جَعَلَ مَعَهَا الدَّقِيقَ فَهَذَا لاَ يَصْلُحُ .

USC-MSA web (English) reference : Book 31, Hadith 52
Arabic reference : Book 31, Hadith 1345

Yahya related to me from Malik that Muhammad ibn Abdullah ibn Abi Maryam asked Said ibn al-Musayyab's advice. "I am a man who buys food with receipts from al-Jar. Perhaps I will buy something for a dinar and half a dirham, and will be given food for a half." Said said, "No. You give a dirham, and take the rest in food." (A half dirham did not exist as a coin.)

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي مَرْيَمَ، أَنَّهُ سَأَلَ سَعِيدَ بْنَ الْمُسَيَّبِ فَقَالَ إِنِّي رَجُلٌ أَبْتَاعُ الطَّعَامَ يَكُونُ مِنَ الصُّكُوكِ بِالْجَارِ فَرُبَّمَا ابْتَعْتُ مِنْهُ بِدِينَارٍ وَنِصْفِ دِرْهَمٍ فَأُعْطَى بِالنِّصْفِ طَعَامًا . فَقَالَ سَعِيدٌ لاَ وَلَكِنْ أَعْطِ أَنْتَ دِرْهَمًا وَخُذْ بَقِيَّتَهُ طَعَامًا .

USC-MSA web (English) reference : Book 31, Hadith 53
Arabic reference : Book 31, Hadith 1346

Yahya related to me from Malik that he had heard that Muhammad Sirin used to say, "Do not sell grain on the ears until it is white."

Malik said, "If someone buys food for a known price to be delivered at a stated date, and when the date comes, the one who owes the food says, 'I do not have any food, sell me the food which I owe you with delayed terms.' The owner of the food says, 'This is not good, because the Messenger of Allah, may Allah bless him and grant him peace, forbade selling food until the deal was completed.' The one who owes the food says to his creditor, 'Sell me any kind of food on delayed terms until I discharge the debt to you.' This is not good because he gives him food and then he returns it to him. The gold which he gave him becomes the price of that which is his right against him and the food which he gave him becomes what clears what is between them. If they do that, it becomes the sale of food before the deal is complete."
Malik spoke about a man who was owed food which he had purchased from a man and this man was owed the like of that food by another man. The one who owed the food said to his creditor, "I will refer you to my debtor who owes me the same amount of food as I owe you, so that you may obtain the food which I owe you ."
Malik said, "If the man who had to deliver the food, had gone out, and bought the food to pay off his creditor, that is not good. That is selling food before taking possession of it. If the food is an advance which falls due at that particular time, there is no harm in paying off his creditor with it because that is nota sale. It is not halal to sell food before receiving it in full since the Messenger of Allah, may Allah bless him and grant him peace, forbade that. However, the people of knowledge agree that there is no harm in partnership, transfer of responsibility and revocation in sales of food and other goods."

Malik said, "That is because the people of knowledge consider it as a favour rendered. They do not consider it as a sale. It is like a man lending light dirhams. He is then paid back in dirhams of full weight, and so gets back more than he lent. That is halal for him and permitted. Had a man bought defective dirhams from him as being the full weight, that would not be halal. Had it been stipulated to him that he lend full weight in dirhams, and then he gave faulty ones, that would not be halal for him."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ مُحَمَّدَ بْنَ سِيرِينَ، كَانَ يَقُولُ لاَ تَبِيعُوا الْحَبَّ فِي سُنْبُلِهِ حَتَّى يَبْيَضَّ . قَالَ مَالِكٌ مَنِ اشْتَرَى طَعَامًا بِسِعْرٍ مَعْلُومٍ إِلَى أَجَلٍ مُسَمًّى فَلَمَّا حَلَّ الأَجَلُ قَالَ الَّذِي عَلَيْهِ الطَّعَامُ لِصَاحِبِهِ لَيْسَ عِنْدِي طَعَامٌ فَبِعْنِي الطَّعَامَ الَّذِي لَكَ عَلَىَّ إِلَى أَجَلٍ . فَيَقُولُ صَاحِبُ الطَّعَامِ هَذَا لاَ يَصْلُحُ لأَنَّهُ قَدْ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ بَيْعِ الطَّعَامِ حَتَّى يُسْتَوْفَى . فَيَقُولُ الَّذِي عَلَيْهِ الطَّعَامُ لِغَرِيمِهِ فَبِعْنِي طَعَامًا إِلَى أَجَلٍ حَتَّى أَقْضِيَكَهُ . فَهَذَا لاَ يَصْلُحُ لأَنَّهُ إِنَّمَا يُعْطِيهِ طَعَامًا ثُمَّ يَرُدُّهُ إِلَيْهِ . فَيَصِيرُ الذَّهَبُ الَّذِي أَعْطَاهُ ثَمَنَ الَّذِي كَانَ لَهُ عَلَيْهِ وَيَصِيرُ الطَّعَامُ الَّذِي أَعْطَاهُ مُحَلِّلاً فِيمَا بَيْنَهُمَا وَيَكُونُ ذَلِكَ إِذَا فَعَلاَهُ بَيْعَ الطَّعَامِ قَبْلَ أَنْ يُسْتَوْفَى . قَالَ مَالِكٌ فِي رَجُلٍ لَهُ عَلَى رَجُلٍ طَعَامٌ ابْتَاعَهُ مِنْهُ وَلِغَرِيمِهِ عَلَى رَجُلٍ طَعَامٌ مِثْلُ ذَلِكَ الطَّعَامِ فَقَالَ الَّذِي عَلَيْهِ الطَّعَامُ لِغَرِيمِهِ أُحِيلُكَ عَلَى غَرِيمٍ لِي عَلَيْهِ مِثْلُ الطَّعَامِ الَّذِي لَكَ عَلَىَّ بِطَعَامِكَ الَّذِي لَكَ عَلَىَّ . قَالَ مَالِكٌ إِنْ كَانَ الَّذِي عَلَيْهِ الطَّعَامُ إِنَّمَا هُوَ طَعَامٌ ابْتَاعَهُ فَأَرَادَ أَنْ يُحِيلَ غَرِيمَهُ بِطَعَامٍ ابْتَاعَهُ فَإِنَّ ذَلِكَ لاَ يَصْلُحُ وَذَلِكَ بَيْعُ الطَّعَامِ قَبْلَ أَنْ يُسْتَوْفَى فَإِنْ كَانَ الطَّعَامُ سَلَفًا حَالاًّ فَلاَ بَأْسَ أَنْ يُحِيلَ بِهِ غَرِيمَهُ لأَنَّ ذَلِكَ لَيْسَ بِبَيْعٍ وَلاَ يَحِلُّ بَيْعُ الطَّعَامِ قَبْلَ أَنْ يُسْتَوْفَى لِنَهْىِ رَسُولِ اللَّهِ صلى الله عليه وسلم عَنْ ذَلِكَ غَيْرَ أَنَّ أَهْلَ الْعِلْمِ قَدِ اجْتَمَعُوا عَلَى أَنَّهُ لاَ بَأْسَ بِالشِّرْكِ وَالتَّوْلِيَةِ وَالإِقَالَةِ فِي الطَّعَامِ وَغَيْرِهِ . قَالَ مَالِكٌ وَذَلِكَ أَنَّ أَهْلَ الْعِلْمِ أَنْزَلُوهُ عَلَى وَجْهِ الْمَعْرُوفِ وَلَمْ يُنْزِلُوهُ عَلَى وَجْهِ الْبَيْعِ وَذَلِكَ مِثْلُ الرَّجُلِ يُسَلِّفُ الدَّرَاهِمَ النُّقَّصَ فَيُقْضَى دَرَاهِمَ وَازِنَةً فِيهَا فَضْلٌ فَيَحِلُّ لَهُ ذَلِكَ وَيَجُوزُ وَلَوِ اشْتَرَى مِنْهُ دَرَاهِمَ نُقَّصًا بِوَازِنَةٍ لَمْ يَحِلَّ ذَلِكَ وَلَوِ اشْتَرَطَ عَلَيْهِ حِينَ أَسْلَفَهُ وَازِنَةً وَإِنَّمَا أَعْطَاهُ نُقَّصًا لَمْ يَحِلَّ لَهُ ذَلِكَ . قَالَ مَالِكٌ وَمِمَّا يُشْبِهُ ذَلِكَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعِ الْمُزَابَنَةِ وَأَرْخَصَ فِي بَيْعِ الْعَرَايَا بِخَرْصِهَا مِنَ التَّمْرِ وَإِنَّمَا فُرِقَ بَيْنَ ذَلِكَ أَنَّ بَيْعَ الْمُزَابَنَةِ بَيْعٌ عَلَى وَجْهِ الْمُكَايَسَةِ وَالتِّجَارَةِ وَأَنَّ بَيْعَ الْعَرَايَا عَلَى وَجْهِ الْمَعْرُوفِ لاَ مُكَايَسَةَ فِيهِ . قَالَ مَالِكٌ وَلاَ يَنْبَغِي أَنْ يَشْتَرِيَ رَجُلٌ طَعَامًا بِرُبُعٍ أَوْ ثُلُثٍ أَوْ كِسْرٍ مِنْ دِرْهَمٍ عَلَى أَنْ يُعْطَى بِذَلِكَ طَعَامًا إِلَى أَجَلٍ وَلاَ بَأْسَ أَنْ يَبْتَاعَ الرَّجُلُ طَعَامًا بِكِسْرٍ مِنْ دِرْهَمٍ إِلَى أَجَلٍ ثُمَّ يُعْطَى دِرْهَمًا وَيَأْخُذُ بِمَا بَقِيَ لَهُ مِنْ دِرْهَمِهِ سِلْعَةً مِنَ السِّلَعِ لأَنَّهُ أَعْطَى الْكِسْرَ الَّذِي عَلَيْهِ فِضَّةً وَأَخَذَ بِبَقِيَّةِ دِرْهَمِهِ سِلْعَةً فَهَذَا لاَ بَأْسَ بِهِ . قَالَ مَالِكٌ وَلاَ بَأْسَ أَنْ يَضَعَ الرَّجُلُ عِنْدَ الرَّجُلِ دِرْهَمًا ثُمَّ يَأْخُذُ مِنْهُ بِرُبُعٍ أَوْ بِثُلُثٍ أَوْ بِكِسْرٍ مَعْلُومٍ سِلْعَةً مَعْلُومَةً فَإِذَا لَمْ يَكُنْ فِي ذَلِكَ سِعْرٌ مَعْلُومٌ وَقَالَ الرَّجُلُ آخُذُ مِنْكَ بِسِعْرِ كُلِّ يَوْمٍ فَهَذَا لاَ يَحِلُّ لأَنَّهُ غَرَرٌ يَقِلُّ مَرَّةً وَيَكْثُرُ مَرَّةً وَلَمْ يَفْتَرِقَا عَلَى بَيْعٍ مَعْلُومٍ . قَالَ مَالِكٌ وَمَنْ بَاعَ طَعَامًا جِزَافًا وَلَمْ يَسْتَثْنِ مِنْهُ شَيْئًا ثُمَّ بَدَا لَهُ أَنْ يَشْتَرِيَ مِنْهُ شَيْئًا فَإِنَّهُ لاَ يَصْلُحُ لَهُ أَنْ يَشْتَرِيَ مِنْهُ شَيْئًا إِلاَّ مَا كَانَ يَجُوزُ لَهُ أَنْ يَسْتَثْنِيَ مِنْهُ وَذَلِكَ الثُّلُثُ فَمَا دُونَهُ فَإِنْ زَادَ عَلَى الثُّلُثِ صَارَ ذَلِكَ إِلَى الْمُزَابَنَةِ وَإِلَى مَا يُكْرَهُ فَلاَ يَنْبَغِي لَهُ أَنْ يَشْتَرِيَ مِنْهُ شَيْئًا إِلاَّ مَا كَانَ يَجُوزُ لَهُ أَنْ يَسْتَثْنِيَ مِنْهُ وَلاَ يَجُوزُ لَهُ أَنْ يَسْتَثْنِيَ مِنْهُ إِلاَّ الثُّلُثَ فَمَا دُونَهُ وَهَذَا الأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا .

USC-MSA web (English) reference : Book 31, Hadith 54
Arabic reference : Book 31, Hadith 1347

Malik said, "Another example of that is that the Messenger of Allah, may Allah bless him and grant him peace, forbade the sale called muzabana and granted an indulgence in the ariya for computing the equivalent in dates. It was distinguished between them that the muzabana-sale was based on shrewdness and trade, and the ariya sale was based on a favour rendered, and there was no shrewdness in it."

Malik said, "A man must not buy food for a fourth, a third, or a fraction of a dirham on the basis that he be given that food on credit. There is no harm in a man buying food for a fraction of a dirham on credit and then he gives a dirham and takes goods with what remains of his dirham because he gave the fraction he owed as silver, and took goods to make up the rest of his dirham. There is no harm in that transaction."
Malik said, "There is no harm in a man placing a dirham with another man and then taking from him known goods for a fourth, third, or a known fraction. If there was not a known price on the goods and the man said, 'I will take them from you for the price of each day,' this is not halal because there is uncertainty. It might be less one time, and more another time, and they would not part with a known sale."
Malik said, "If someone sells some food without measuring precisely and does not exclude any of it from the sale and then it occurs to him to buy some of it, it is not good for him to buy any of it except what it would be permitted for him to exclude from it. That is a third or less. If it is more than a third, it becomes muzabana and is disapproved. He must only purchase from what he would be permitted to exclude, and he is only permitted to exclude a third or less than that. This is the way of doing things in which there is no dispute with us."

USC-MSA web (English) reference : Book 31, Hadith 55

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab said, "There is no hoarding in our market, and men who have excess gold in their hands should not buy up one of Allah's provisions which he has sent to our courtyard and then hoard it up against us. Someone who brings imported goods through great fatigue to himself in the summer and winter, that person is the guest of Umar. Let him sell what Allah wills and keep what Allah wills."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لاَ حُكْرَةَ فِي سُوقِنَا لاَ يَعْمِدُ رِجَالٌ بِأَيْدِيهِمْ فُضُولٌ مِنْ أَذْهَابٍ إِلَى رِزْقٍ مِنْ رِزْقِ اللَّهِ نَزَلَ بِسَاحَتِنَا فَيَحْتَكِرُونَهُ عَلَيْنَا وَلَكِنْ أَيُّمَا جَالِبٍ جَلَبَ عَلَى عَمُودِ كَبِدِهِ فِي الشِّتَاءِ وَالصَّيْفِ فَذَلِكَ ضَيْفُ عُمَرَ فَلْيَبِعْ كَيْفَ شَاءَ اللَّهُ وَلْيُمْسِكْ كَيْفَ شَاءَ اللَّهُ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 56
Arabic reference : Book 31, Hadith 1348

Yahya related to me from Malik from Yunus ibn Yusuf from Said ibn al-Musayyab that Umar ibn al-Khattab passed by Hatab ibn Abi Baltaa who was underselling some of his raisins in the market. Umar ibn al- Khattab said to him, "Either increase the price or leave our market."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يُونُسَ بْنِ يُوسُفَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، مَرَّ بِحَاطِبِ بْنِ أَبِي بَلْتَعَةَ وَهُوَ يَبِيعُ زَبِيبًا لَهُ بِالسُّوقِ فَقَالَ لَهُ عُمَرُ بْنُ الْخَطَّابِ إِمَّا أَنْ تَزِيدَ فِي السِّعْرِ وَإِمَّا أَنْ تُرْفَعَ مِنْ سُوقِنَا ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 57
Arabic reference : Book 31, Hadith 1349

Yahya related to me from Malik that he had heard that Uthman ibn Affan forbade hoarding .

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُثْمَانَ بْنَ عَفَّانَ، كَانَ يَنْهَى عَنِ الْحُكْرَةِ، ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 58
Arabic reference : Book 31, Hadith 1350

Yahya related to me from Malik from Salih ibn Kaysan from Hasan ibn Muhammad ibn Ali ibn Abi Talib that Ali ibn Abi Talib sold one of his camels called Usayfir for 20 camels to be delivered later.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ صَالِحِ بْنِ كَيْسَانَ، عَنْ حَسَنِ بْنِ مُحَمَّدِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ، بَاعَ جَمَلاً لَهُ يُدْعَى عُصَيْفِيرًا بِعِشْرِينَ بَعِيرًا إِلَى أَجَلٍ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 59
Arabic reference : Book 31, Hadith 1351

Yahya related to me from Malik from Nafi that Abdullah ibn Umar bought a female riding-camel for four camels and he guaranteed to give them in full to the buyer at ar-Rabadha.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، اشْتَرَى رَاحِلَةً بِأَرْبَعَةِ أَبْعِرَةٍ مَضْمُونَةٍ عَلَيْهِ يُوفِيهَا صَاحِبَهَا بِالرَّبَذَةِ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 60
Arabic reference : Book 31, Hadith 1352

Yahya related to me that Malik asked Ibn Shihab about selling animals, two for one with delayed terms. He said, "There is no harm in it."

Malik said, "The generally agreed on way of doing things among us is that there is no harm in bartering a camel for a camel like it and adding some dirhams to the exchange, from hand to hand. There is no harm in bartering a camel for a camel like it with some dirhams on top of the exchange, the camels to be exchanged from hand to hand, and the dirhams to be paid within a period." He said, "There is no good however in bartering a camel for a camel like it with some dirhams on top of it, with the dirhams paid in cash and the camel to be delivered later. If both the camel and the dirhams are deferred there is no good in that either."
Malik said, "There is no harm in buying a riding camel with two or more pack-camels, if they are from inferior stock. There is no harm in bartering two of them for one with delayed terms, if they are different and their difference is clear. If they resemble each other whether their species are different or not, two are not to be taken for one with delayed terms."
Malik said, "The explanation of what is disapproved of in that, is that a camel should not be bought with two camels when there is no distinction between them in speed or hardiness. If this is according to what I have described to you, then one does not buy two of them for one with delayed terms. There is no harm in selling those of them you buy before you complete the deal to somebody other than the one from whom you bought them if you get the price in cash."
Malik said, "It is permitted for someone to advance something on animals for a fixed term and describe the amount and pay its price in cash. Whatever the buyer and seller have described is obliged for them. That is still permitted behaviour between people and what the people of knowledge in our land do."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنْ بَيْعِ الْحَيَوَانِ، اثْنَيْنِ بِوَاحِدٍ إِلَى أَجَلٍ فَقَالَ لاَ بَأْسَ بِذَلِكَ ‏.‏ قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّهُ لاَ بَأْسَ بِالْجَمَلِ بِالْجَمَلِ مِثْلِهِ وَزِيَادَةِ دَرَاهِمَ يَدًا بِيَدٍ وَلاَ بَأْسَ بِالْجَمَلِ بِالْجَمَلِ مِثْلِهِ وَزِيَادَةِ دَرَاهِمَ الْجَمَلُ بِالْجَمَلِ يَدًا بِيَدٍ وَالدَّرَاهِمُ إِلَى أَجَلٍ ‏.‏ قَالَ وَلاَ خَيْرَ فِي الْجَمَلِ بِالْجَمَلِ مِثْلِهِ وَزِيَادَةِ دَرَاهِمَ الدَّرَاهِمُ نَقْدًا وَالْجَمَلُ إِلَى أَجَلٍ وَإِنْ أَخَّرْتَ الْجَمَلَ وَالدَّرَاهِمَ لاَ خَيْرَ فِي ذَلِكَ أَيْضًا ‏.‏ قَالَ مَالِكٌ وَلاَ بَأْسَ أَنْ يَبْتَاعَ الْبَعِيرَ النَّجِيبَ بِالْبَعِيرَيْنِ أَوْ بِالأَبْعِرَةِ مِنَ الْحَمُولَةِ مِنْ مَاشِيَةِ الإِبِلِ

وَإِنْ كَانَتْ مِنْ نَعَمٍ وَاحِدَةٍ فَلاَ بَأْسَ أَنْ يُشْتَرَى مِنْهَا اثْنَانِ بِوَاحِدٍ إِلَى أَجَلٍ إِذَا اخْتَلَفَتْ فَبَانَ اخْتِلاَفُهَا وَإِنْ أَشْبَهَ بَعْضُهَا بَعْضًا وَاخْتَلَفَتْ أَجْنَاسُهَا أَوْ لَمْ تَخْتَلِفْ فَلاَ يُؤْخَذُ مِنْهَا اثْنَانِ بِوَاحِدٍ إِلَى أَجَلٍ . قَالَ مَالِكٌ وَتَفْسِيرُ مَا كُرِهَ مِنْ ذَلِكَ أَنْ يُؤْخَذَ الْبَعِيرُ بِالْبَعِيرَيْنِ لَيْسَ بَيْنَهُمَا تَفَاضُلٌ فِي نَجَابَةٍ وَلاَ رِحْلَةٍ فَإِذَا كَانَ هَذَا عَلَى مَا وَصَفْتُ لَكَ فَلاَ يُشْتَرَى مِنْهُ اثْنَانِ بِوَاحِدٍ إِلَى أَجَلٍ وَلاَ بَأْسَ أَنْ تَبِيعَ مَا اشْتَرَيْتَ مِنْهَا قَبْلَ أَنْ تَسْتَوْفِيَهُ مِنْ غَيْرِ الَّذِي اشْتَرَيْتَهُ مِنْهُ إِذَا انْتَقَدْتَ ثَمَنَهُ . قَالَ مَالِكٌ وَمَنْ سَلَّفَ فِي شَىْءٍ مِنَ الْحَيَوَانِ إِلَى أَجَلٍ مُسَمًّى فَوَصَفَهُ وَحَلاَّهُ وَنَقَدَ ثَمَنَهُ فَذَلِكَ جَائِزٌ وَهُوَ لاَزِمٌ لِلْبَائِعِ وَالْمُبْتَاعِ عَلَى مَا وَصَفَا وَحَلَّيَا وَلَمْ يَزَلْ ذَلِكَ مِنْ عَمَلِ النَّاسِ الْجَائِزِ بَيْنَهُمْ وَالَّذِي لَمْ يَزَلْ عَلَيْهِ أَهْلُ الْعِلْمِ بِبَلَدِنَا .

USC-MSA web (English) reference : Book 31, Hadith 61
Arabic reference : Book 31, Hadith 1353

Yahya related to me from Malih from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade the transaction called habal alhabala. It was a transaction which the people of Jahiliya practised. A man would buy the unborn offspring of the unborn offspring of a she-camel.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعِ حَبَلِ الْحَبَلَةِ . وَكَانَ بَيْعًا يَتَبَايَعُهُ أَهْلُ الْجَاهِلِيَّةِ كَانَ الرَّجُلُ يَبْتَاعُ الْجَزُورَ إِلَى أَنْ تُنْتَجَ النَّاقَةُ . ثُمَّ تُنْتَجَ الَّتِي فِي بَطْنِهَا .

USC-MSA web (English) reference : Book 31, Hadith 62
Arabic reference : Book 31, Hadith 1354

Yahya related to me from Malik from Ibn Shihab that Said ibn al- Musayyab said, "There is no usury in animals. There are three things forbidden in animals:

al-madamin, al-malaqih and habal al-habala. Al- madamin is the sale of what is in the wombs of female camels. Al-malaqih is the sale of the breeding qualities of camels" (i.e. for stud).

Malik said, "No one should buy a specified animal when it is concealed from him or in another place, even if he has already seen it, very recently or not so recently, and was pleased enough with it to pay its price in cash."
Malik said, "That is disapproved of because the seller makes use of the price and it is not known whether or not those goods are found to be as the buyer saw them or not. For that reason, it is disapproved of. There is no harm in it if it is described and guaranteed."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ لاَ رِبًا فِي الْحَيَوَانِ وَإِنَّمَا نُهِيَ مِنَ الْحَيَوَانِ عَنْ ثَلاَثَةٍ عَنِ الْمَضَامِينِ وَالْمَلاَقِيحِ وَحَبَلِ الْحَبَلَةِ . وَالْمَضَامِينُ بَيْعُ مَا فِي بُطُونِ إِنَاثِ الإِبِلِ وَالْمَلاَقِيحُ بَيْعُ مَا فِي ظُهُورِ الْجِمَالِ . قَالَ مَالِكٌ لاَ يَنْبَغِي أَنْ يَشْتَرِيَ أَحَدٌ شَيْئًا مِنَ الْحَيَوَانِ بِعَيْنِهِ إِذَا كَانَ غَائِبًا عَنْهُ وَإِنْ كَانَ قَدْ رَآهُ وَرَضِيَهُ عَلَى أَنْ يَنْقُدَ ثَمَنَهُ لاَ قَرِيبًا وَلاَ بَعِيدًا . قَالَ مَالِكٌ وَإِنَّمَا كُرِهَ ذَلِكَ لأَنَّ الْبَائِعَ يَنْتَفِعُ بِالثَّمَنِ وَلاَ يُدْرَى هَلْ تُوجَدُ تِلْكَ السِّلْعَةُ عَلَى مَا رَآهَا الْمُبْتَاعُ أَمْ لاَ فَلِذَلِكَ كُرِهَ ذَلِكَ وَلاَ بَأْسَ بِهِ إِذَا كَانَ مَضْمُونًا مَوْصُوفًا .

USC-MSA web (English) reference : Book 31, Hadith 63
Arabic reference : Book 31, Hadith 1355

Yahya related to me from Malik from Zayd ibn Aslam from Said ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, forbade bartering live animals for meat.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ

USC-MSA web (English) reference : Book 31, Hadith 64
Arabic reference : Book 31, Hadith 1356

Yahya related to me from Malik from Da'ud ibn al-Husayn that he heard Said ibn alMusayyab say, "Part of the gambling of the people of Jahiliya was bartering live animals for slaughtered meat, for instance one live sheep for two slaughtered sheep."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ مِنْ مَيْسِرِ أَهْلِ الْجَاهِلِيَّةِ بَيْعُ الْحَيَوَانِ بِاللَّحْمِ بِالشَّاةِ وَالشَّاتَيْنِ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 65
Arabic reference : Book 31, Hadith 1357

Yahya related to me from Malik from Abu'z-Zinad that Said ibn al- Musayyab said, "Bartering live animals for dead meat is forbidden." Abu'z-Zinad said, "I said to Said ibn Musayyab, 'What do you think of a man buying an old camel for 10 sheep?' " Said said, "If he buys it to slaughter it, there is no good in it." Abu'z-Zinad added, "All the people (i.e. companions) that I have seen forbade bartering live animals for meat."

Abu'z-Zinad said, "This used to be written in the appointment letters of governors in the time of Aban ibn Uthman and Hisham ibn Ismail."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ نُهِيَ عَنْ بَيْعِ الْحَيَوَانِ، بِاللَّحْمِ ‏.‏ قَالَ أَبُو الزِّنَادِ فَقُلْتُ لِسَعِيدِ بْنِ الْمُسَيَّبِ أَرَأَيْتَ رَجُلاً اشْتَرَى شَارِفًا بِعَشَرَةِ شِيَاهٍ فَقَالَ سَعِيدٌ إِنْ كَانَ اشْتَرَاهَا لِيَنْحَرَهَا فَلاَ خَيْرَ فِي ذَلِكَ ‏.‏ قَالَ أَبُو الزِّنَادِ وَكُلُّ مَنْ أَدْرَكْتُ مِنَ النَّاسِ يَنْهَوْنَ عَنْ بَيْعِ الْحَيَوَانِ بِاللَّحْمِ ‏.‏ قَالَ أَبُو الزِّنَادِ وَكَانَ ذَلِكَ يُكْتَبُ فِي عُهُودِ الْعُمَّالِ فِي زَمَانِ أَبَانَ بْنِ عُثْمَانَ وَهِشَامِ بْنِ إِسْمَاعِيلَ يَنْهَوْنَ عَنْ ذَلِكَ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 66
Arabic reference : Book 31, Hadith 1358

Malik said, "It is the generally agreed on way of doing things among us that the meat of camels, cattle, sheep and so on is not to be bartered one for one, except like for like, weight for weight, from hand to hand. There is no harm in that. If it is not weighed, then it is estimated to be like for like from hand to hand."

Malik said, "There is no harm in bartering the meat of fish for the meat of camels, cattle, and sheep and so on two or more for one, from hand to hand. If delayed terms enter the transaction however, there is no good in it."
Malik said, "I think that poultry is different from the meat of cattle and fish. I see no harm in selling some of it for something different, more of one than another, from hand to hand. None of that is to be sold on delayed terms."

USC-MSA web (English) reference : Book 31, Hadith 67

Yahya related to me from Malik from Ibn Shihab from Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham from Abu Masud al-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, forbade the sale price of a dog, the earnings of a prostitute and the earnings of a fortune teller.

By the earnings of a prostitute he meant what a woman was given for fornication. The earnings of a fortune teller were what he was given to tell a fortune.

Malik said, "I disapprove of the price of a dog, whether it is a hunting dog or otherwise because the Messenger of Allah, may Allah bless him and grant him peace, forbade the price of a dog."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِي مَسْعُودٍ الأَنْصَارِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ ثَمَنِ الْكَلْبِ وَمَهْرِ الْبَغِيِّ وَحُلْوَانِ الْكَاهِنِ . يَعْنِي بِمَهْرِ الْبَغِيِّ مَا تُعْطَاهُ الْمَرْأَةُ عَلَى الزِّنَا وَحُلْوَانُ الْكَاهِنِ رَشْوَتُهُ وَمَا يُعْطَى عَلَى أَنْ يَتَكَهَّنَ .

USC-MSA web (English) reference : Book 31, Hadith 68
Arabic reference : Book 31, Hadith 1359

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, forbade 'selling and lending.'

Malik said, "The explanation of what that meant is that one man says to another, 'I will take your goods for such-and-such if you lend me such-and-such.' If they agree to a transaction in this manner, it is not permitted. If the one who stipulates the loan abandons his stipulation, then the sale is permitted."
Malik said, "There is no harm in exchanging linen from Shata, for garments from Itribi, or Qass, or Ziqa. Or the cloth of Herat or Merv for Yemeni cloaks and shawls and such like as one for two or three, from hand to hand or with delayed terms. If the goods are of the same kind, and deferment enters into the transaction, there is no good in it."
Malik said, "It is not good unless they are different, and the difference between them is clear. When they resemble each other, even if the names are different, do not take two for one with delayed terms, for instance two garments of Herat for one from Merv or Quhy with delayed terms, ortwo garments of Furqub for one from Shata. All these sorts are of the same description, so do not buy two for one, on delayed terms."
Malik said, "There is no harm in selling what you buy of things of this nature, before you complete the deal, to some one other than the person from whom you purchased them if the price was paid in cash."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعٍ وَسَلَفٍ . قَالَ مَالِكٌ وَتَفْسِيرُ ذَلِكَ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ آخُذُ سِلْعَتَكَ بِكَذَا وَكَذَا عَلَى أَنْ تُسْلِفَنِي كَذَا وَكَذَا . فَإِنْ عَقَدَا بَيْعَهُمَا عَلَى هَذَا فَهُوَ غَيْرُ جَائِزٍ فَإِنْ تَرَكَ الَّذِي اشْتَرَطَ السَّلَفَ مَا اشْتَرَطَ مِنْهُ كَانَ ذَلِكَ الْبَيْعُ جَائِزًا . قَالَ مَالِكٌ وَلاَ بَأْسَ أَنْ يُشْتَرَى الثَّوْبُ مِنَ الْكَتَّانِ أَوِ الشَّطَوِيِّ أَوِ الْقَصَبِيِّ بِالأَثْوَابِ مِنَ الإِتْرِيبِيِّ أَوِ الْقَسِّيِّ أَوِ الزِّيقَةِ أَوِ الثَّوْبِ الْهَرَوِيِّ أَوِ الْمَرْوِيِّ بِالْمَلاَحِفِ الْيَمَانِيَّةِ وَالشَّقَائِقِ وَمَا أَشْبَهَ ذَلِكَ الْوَاحِدُ بِالاِثْنَيْنِ أَوِ الثَّلاَثَةِ يَدًا بِيَدٍ أَوْ إِلَى أَجَلٍ وَإِنْ كَانَ مِنْ صِنْفٍ وَاحِدٍ فَإِنْ دَخَلَ ذَلِكَ نَسِيئَةٌ فَلاَ خَيْرَ فِيهِ . قَالَ مَالِكٌ وَلاَ يَصْلُحُ حَتَّى يَخْتَلِفَ فَيَبِينَ اخْتِلاَفُهُ فَإِذَا أَشْبَهَ بَعْضُ ذَلِكَ بَعْضًا وَإِنِ اخْتَلَفَتْ أَسْمَاؤُهُ فَلاَ يَأْخُذْ مِنْهُ اثْنَيْنِ بِوَاحِدٍ إِلَى أَجَلٍ وَذَلِكَ أَنْ يَأْخُذَ الثَّوْبَيْنِ مِنَ الْهَرَوِيِّ بِالثَّوْبِ مِنَ الْمَرْوِيِّ أَوِ الْقُوهِيِّ إِلَى أَجَلٍ أَوْ يَأْخُذَ الثَّوْبَيْنِ مِنَ الْفُرْقُبِيِّ بِالثَّوْبِ مِنَ الشَّطَوِيِّ فَإِذَا كَانَتْ هَذِهِ الأَجْنَاسُ عَلَى هَذِهِ الصِّفَةِ فَلاَ يُشْتَرَى مِنْهَا اثْنَانِ بِوَاحِدٍ إِلَى أَجَلٍ . قَالَ مَالِكٌ وَلاَ بَأْسَ أَنْ تَبِيعَ مَا اشْتَرَيْتَ مِنْهَا قَبْلَ أَنْ تَسْتَوْفِيَهُ مِنْ غَيْرِ صَاحِبِهِ الَّذِي اشْتَرَيْتَهُ مِنْهُ إِذَا انْتَقَدْتَ ثَمَنَهُ .

USC-MSA web (English) reference : Book 31, Hadith 69
Arabic reference : Book 31, Hadith 1360

Yahya related to me from Malik from Yahya ibn Said that al-Qasim ibn Muhammad said, "I heard Abdullah ibn Abbas say, when a man asked him about a man making an advance on some garments and then wanting to sell them back before taking possession of them, 'That is silver for silver,' and he disapproved of it."

Malik said, "Our opinion is - and Allah knows best that was because he wanted to sell them to the person from whom he had bought them for more than the price for which he bought them. Had he sold them to some one other than the person from whom he had purchased them, there would not have been any harm in it."
Malik said, "The generally agreed on way of doing things among us concerning making an advance for slaves, cattle or goods is that when all of what is to be sold is described and an advance is made for them for a date, and the date falls due, the buyer does not sell any of that to the person from whom he has purchased it for more than the price which he advanced for it before he has taken full possession of what he has advanced for. It is usury if he does. If the buyer gives the seller dinars or dirhams and he profits with them, then, when the goods come to the buyer and he does not take them into his possession but sells them back to their owner for more than what he advanced for them, the outcome is that what he has advanced has returned to him and has been increased for him."
Malik said, "If someone advances gold or silver for described animals or goods which are to be delivered before a named date, and the date arrives, or it is before or after the date, there is no harm in the buyer selling those goods to the seller, for other goods, to be taken immediately and not delayed, no matter how extensive the amount of those goods is, except in the case of food because it is not halal to sell it before he has full possession of it. The buyer can sell those goods to some one other than the person from whom he purchased them for gold or silver or any goods. He takes possession of it and does not defer it because if he defers it, that is ugly and there enters into the transaction what is disapproved of:
delay for delay. Delay for delay is to sell a debt against one man for a debt against another man."

Malik said, "If someone advances for goods to be delivered after a time, and those goods are neither something to be eaten nor drunk, he can sell them to whomever he likes for cash or goods, before he takes delivery of them, to some one other than the person from whom he purchased them. He must not sell them to the person from whom he bought them except in exchange for goods which he takes possession of immediately and does not defer."
Malik said, "If the delivery date for the goods has not arrived, there is no harm in selling them to the original owner for goods which are clearly different and which he takes immediate possession of and does not defer."
Malik spoke about the case of a man who advanced dinars or dirhams for four specified pieces of cloth to be delivered before a specified time and when the term fell due, he demanded delivery from the seller and the seller did not have them. He found that the seller had cloth but inferior quality, and the seller said that he would give him eight of those cloths. Malik said, "There is no harm in that if he takes the cloths which he offers him before they separate. It is not good if delayed terms enter into the transaction. It is also not good if that is before the end of the term, unless he sells him cloth which is notthetypeof cloth for which he made an advance.
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ قَالَ سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، وَرَجُلٌ، يَسْأَلُهُ عَنْ رَجُلٍ، سَلَّفَ فِي سَبَائِبَ فَأَرَادَ بَيْعَهَا قَبْلَ أَنْ يَقْبِضَهَا فَقَالَ ابْنُ عَبَّاسٍ تِلْكَ الْوَرِقُ بِالْوَرِقِ . وَكَرِهَ ذَلِكَ . قَالَ مَالِكٌ وَذَلِكَ فِيمَا نُرَى وَاللَّهُ أَعْلَمُ أَنَّهُ أَرَادَ أَنْ يَبِيعَهَا مِنْ صَاحِبِهَا الَّذِي اشْتَرَاهَا مِنْهُ بِأَكْثَرَ مِنَ الثَّمَنِ الَّذِي ابْتَاعَهَا بِهِ وَلَوْ أَنَّهُ بَاعَهَا مِنْ غَيْرِ الَّذِي اشْتَرَاهَا مِنْهُ لَمْ يَكُنْ بِذَلِكَ بَأْسٌ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا فِيمَنْ سَلَّفَ فِي رَقِيقٍ أَوْ مَاشِيَةٍ أَوْ عُرُوضٍ فَإِذَا كَانَ كُلُّ شَىْءٍ مِنْ ذَلِكَ مَوْصُوفًا فَسَلَّفَ فِيهِ إِلَى أَجَلٍ فَحَلَّ الأَجَلُ فَإِنَّ الْمُشْتَرِيَ لاَ يَبِيعُ شَيْئًا مِنْ ذَلِكَ مِنَ الَّذِي اشْتَرَاهُ مِنْهُ بِأَكْثَرَ مِنَ الثَّمَنِ الَّذِي سَلَّفَهُ فِيهِ قَبْلَ أَنْ يَقْبِضَ مَا سَلَّفَهُ فِيهِ وَذَلِكَ أَنَّهُ إِذَا فَعَلَهُ فَهُوَ الرِّبَا صَارَ الْمُشْتَرِي إِنْ أَعْطَى الَّذِي بَاعَهُ دَنَانِيرَ أَوْ دَرَاهِمَ فَانْتَفَعَ بِهَا فَلَمَّا حَلَّتْ عَلَيْهِ السِّلْعَةُ وَلَمْ يَقْبِضْهَا الْمُشْتَرِي بَاعَهَا مِنْ صَاحِبِهَا بِأَكْثَرَ مِمَّا سَلَّفَهُ فِيهَا فَصَارَ أَنْ رَدَّ إِلَيْهِ مَا سَلَّفَهُ وَزَادَهُ مِنْ عِنْدِهِ . قَالَ مَالِكٌ مَنْ سَلَّفَ ذَهَبًا أَوْ وَرِقًا فِي حَيَوَانٍ أَوْ عُرُوضٍ إِذَا كَانَ مَوْصُوفًا إِلَى أَجَلٍ مُسَمًّى ثُمَّ حَلَّ الأَجَلُ فَإِنَّهُ لاَ بَأْسَ أَنْ يَبِيعَ الْمُشْتَرِي تِلْكَ السِّلْعَةَ مِنَ الْبَائِعِ قَبْلَ أَنْ يَحِلَّ الأَجَلُ أَوْ بَعْدَ مَا يَحِلُّ بِعَرْضٍ مِنَ الْعُرُوضِ يُعَجِّلُهُ وَلاَ يُؤَخِّرُهُ

بَالِغًا مَا بَلَغَ ذَلِكَ الْعَرْضُ إِلاَّ الطَّعَامَ فَإِنَّهُ لاَ يَحِلُّ أَنْ يَبِيعَهُ حَتَّى يَقْبِضَهُ وَلِلْمُشْتَرِي أَنْ يَبِيعَ تِلْكَ السِّلْعَةَ مِنْ غَيْرِ صَاحِبِهِ الَّذِي ابْتَاعَهَا مِنْهُ بِذَهَبٍ أَوْ وَرِقٍ أَوْ عَرْضٍ مِنَ الْعُرُوضِ يَقْبِضُ ذَلِكَ وَلاَ يُؤَخِّرُهُ لأَنَّهُ إِذَا أَخَّرَ ذَلِكَ قَبُحَ وَدَخَلَهُ مَا يُكْرَهُ مِنَ الْكَالِئِ بِالْكَالِئِ وَالْكَالِئُ بِالْكَالِئِ أَنْ يَبِيعَ الرَّجُلُ دَيْنًا لَهُ عَلَى رَجُلٍ بِدَيْنٍ عَلَى رَجُلٍ آخَرَ . قَالَ مَالِكٌ وَمَنْ سَلَّفَ فِي سِلْعَةٍ إِلَى أَجَلٍ وَتِلْكَ السِّلْعَةُ مِمَّا لاَ يُؤْكَلُ وَلاَ يُشْرَبُ فَإِنَّ الْمُشْتَرِيَ يَبِيعُهَا مِمَّنْ شَاءَ بِنَقْدٍ أَوْ عَرْضٍ قَبْلَ أَنْ يَسْتَوْفِيَهَا مِنْ غَيْرِ صَاحِبِهَا الَّذِي اشْتَرَاهَا مِنْهُ وَلاَ يَنْبَغِي لَهُ أَنْ يَبِيعَهَا مِنَ الَّذِي ابْتَاعَهَا مِنْهُ إِلاَّ بِعَرْضٍ يَقْبِضُهُ وَلاَ يُؤَخِّرُهُ . قَالَ مَالِكٌ وَإِنْ كَانَتِ السِّلْعَةُ لَمْ تَحِلَّ فَلاَ بَأْسَ بِأَنْ يَبِيعَهَا مِنْ صَاحِبِهَا بِعَرْضٍ مُخَالِفٍ لَهَا بَيِّنٍ خِلاَفُهُ يَقْبِضُهُ وَلاَ يُؤَخِّرُهُ . قَالَ مَالِكٌ فِيمَنْ سَلَّفَ دَنَانِيرَ أَوْ دَرَاهِمَ فِي أَرْبَعَةِ أَثْوَابٍ مَوْصُوفَةٍ إِلَى أَجَلٍ فَلَمَّا حَلَّ الأَجَلُ تَقَاضَى صَاحِبَهَا فَلَمْ يَجِدْهَا عِنْدَهُ وَوَجَدَ عِنْدَهُ ثِيَابًا دُونَهَا مِنْ صِنْفِهَا فَقَالَ لَهُ الَّذِي عَلَيْهِ الأَثْوَابُ أُعْطِيكَ بِهَا ثَمَانِيَةَ أَثْوَابٍ مِنْ ثِيَابِي هَذِهِ . إِنَّهُ لاَ بَأْسَ بِذَلِكَ إِذَا أَخَذَ تِلْكَ الأَثْوَابَ الَّتِي يُعْطِيهِ قَبْلَ أَنْ يَفْتَرِقَا فَإِنْ دَخَلَ ذَلِكَ الأَجَلُ فَإِنَّهُ لاَ يَصْلُحُ وَإِنْ كَانَ ذَلِكَ قَبْلَ مَحِلِّ الأَجَلِ فَإِنَّهُ لاَ يَصْلُحُ أَيْضًا إِلاَّ أَنْ يَبِيعَهُ ثِيَابًا لَيْسَتْ مِنْ صِنْفِ الثِّيَابِ الَّتِي سَلَّفَهُ فِيهَا .

USC-MSA web (English) reference : Book 31, Hadith 70
Arabic reference : Book 31, Hadith 1361

Malik said, "The generally agreed on way of doing things among us about whatever is weighed but is not gold or silver, i.e. copper, brass, lead, black lead, iron, herbs, figs, cotton, and any such things that are weighed, is that there is no harm in bartering all those sorts of things two for one, hand to hand. There is no harm in taking a ritl of iron for two ritls of iron, and a ritl of brass for two ritls of brass."

Malik said, "There is no good in two for one of one sort with delayed terms. There is no harm in taking two of one sort for one of another on delayed terms, if the two sorts are clearly different. If both sorts resemble each other but their names are different, like lead and black lead, brass and yellow brass, I disapprove of taking two of one sort for one of the other on delayed terms."
Malik said, "When buying something of this nature, there is no harm in selling It beforetaking possession of it to some one other than the person from whom it was purchased, if the price is taken immediately and if it was bought originally by measure or weight. If it was bought without measuring, it should be sold to someone other than the person from whom it was bought, for cash or with delayed terms. That is because goods have to be guaranteed when they are bought without measuring, and they cannot be guaranteed when bought by weight until they are weighed and the deal is completed. This is the best of what I have heard about all these things. It is what people continue to do among us."
Malik said, "The way of doing things among us with what is measured or weighed of things which are not eaten or drunk, like safflower, date-stones, fodder leaves, indigo dye and the like of that is that there is no harm in bartering all those sort of things two for one, hand to hand. Do not take two for one from the same variety with delayed terms. If the types are clearly different, there is no harm in taking two of one for one of the other with delayed terms. There is no harm in selling whatever is purchased of all these sorts, before taking delivery of them if the price is taken from someone other than the person from whom they were purchased."
Malik said, "Anything of any variety that profits people, like gravel and gypsum, one quantity of them for two of its like with delayed terms is usury. One quantity of both of them for its equal plus any increase with delayed terms, is usury."

USC-MSA web (English) reference : Book 31, Hadith 71

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, forbade two sales in one sale.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ ‏.‏ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعَتَيْنِ فِي بَيْعَةٍ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 72
Arabic reference : Book 31, Hadith 1362

Yahya related to me from Malik that he had heard that a man said to another, "Buy this camel for me immediately so that I can buy him from you on credit." Abdullah ibn Umar was asked about that and he disapproved of it and forbade it.

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، قَالَ لِرَجُلٍ ابْتَعْ لِي هَذَا الْبَعِيرَ بِنَقْدٍ حَتَّى أَبْتَاعَهُ مِنْكَ إِلَى أَجَلٍ فَسُئِلَ عَنْ ذَلِكَ عَبْدُ اللَّهِ بْنُ عُمَرَ فَكَرِهَهُ وَنَهَى عَنْهُ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 73
Arabic reference : Book 31, Hadith 1363

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad was asked about a man who bought goods for 10 dinars cash or fifteen dinars on credit. He disapproved of that and forbade it.

Malik said that if a man bought goods from a man for either 10 dinars or 15 dinars on credit, that one of the two prices was obliged on the buyer. It was not to be done because if he postponed paying the ten, it would be 15 on credit, and if he paid the ten, he would buy with it what was worth fifteen dinars on credit.
Malik said that it was disapproved of for a man to buy goods from someone for either a dinar cash or for a described sheep on credit and that one of the two prices was obliged on him. It was not to be done because the Messenger of Allah, may Allah bless him and grant him peace, forbade two sales in one sale. This was part of two sales in the one sale.
Malik spoke about a man saying to another, "'I will either buy these fifteen sa of ajwa dates from you, or these ten sa of sayhani dates or I will buy these fifteen sa of inferior wheat or these ten sa of Syrian wheat for a dinar, and one of them is obliged to me.' Malik said that it was disapproved of and was not halal. That was because he obliged him ten sa of sayhani, and left them and took fifteen sa of ajwa, or he was obliged fifteen sa of inferior wheat and left them and took ten sa of Syrian wheat. This was also disapproved of, and was not halal. It resembled what was prohibited in the way of two sales in one sale. It was also included under the prohibition against buying two for one of the same sort of food."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، سُئِلَ عَنْ رَجُلٍ، اشْتَرَى سِلْعَةً بِعَشَرَةِ دَنَانِيرَ نَقْدًا أَوْ بِخَمْسَةَ عَشَرَ دِينَارًا إِلَى أَجَلٍ فَكَرِهَ ذَلِكَ وَنَهَى عَنْهُ ‏.‏ قَالَ مَالِكٌ فِي رَجُلٍ ابْتَاعَ سِلْعَةً مِنْ رَجُلٍ بِعَشَرَةِ دَنَانِيرَ نَقْدًا أَوْ بِخَمْسَةَ عَشَرَ دِينَارًا إِلَى أَجَلٍ قَدْ وَجَبَتْ لِلْمُشْتَرِي بِأَحَدِ الثَّمَنَيْنِ إِنَّهُ لاَ يَنْبَغِي ذَلِكَ لأَنَّهُ إِنْ أَخَّرَ الْعَشَرَةَ كَانَتْ خَمْسَةَ عَشَرَ إِلَى أَجَلٍ وَإِنْ نَقَدَ الْعَشَرَةَ كَانَ إِنَّمَا اشْتَرَى بِهَا الْخَمْسَةَ عَشَرَ الَّتِي إِلَى أَجَلٍ ‏.‏ قَالَ مَالِكٌ فِي رَجُلٍ اشْتَرَى مِنْ رَجُلٍ سِلْعَةً بِدِينَارٍ نَقْدًا أَوْ بِشَاةٍ مَوْصُوفَةٍ إِلَى أَجَلٍ قَدْ وَجَبَ عَلَيْهِ بِأَحَدِ الثَّمَنَيْنِ إِنَّ ذَلِكَ مَكْرُوهٌ لاَ يَنْبَغِي لأَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَدْ نَهَى عَنْ بَيْعَتَيْنِ فِي بَيْعَةٍ وَهَذَا مِنْ بَيْعَتَيْنِ فِي بَيْعَةٍ ‏.‏ قَالَ مَالِكٌ فِي رَجُلٍ قَالَ لِرَجُلٍ أَشْتَرِي مِنْكَ هَذِهِ الْعَجْوَةَ خَمْسَةَ عَشَرَ صَاعًا أَوِ الصَّيْحَانِيَّ عَشَرَةَ أَصْوُعٍ أَوِ الْحِنْطَةَ الْمَحْمُولَةَ خَمْسَةَ عَشَرَ صَاعًا أَوِ الشَّامِيَّةَ عَشَرَةَ أَصْوُعٍ بِدِينَارٍ قَدْ وَجَبَتْ لِي إِحْدَاهُمَا إِنَّ ذَلِكَ مَكْرُوهٌ لاَ يَحِلُّ وَذَلِكَ أَنَّهُ قَدْ أَوْجَبَ لَهُ عَشَرَةَ

أَصْوُعٍ صَيْحَانِيًّا فَهُوَ يَدَعُهَا وَيَأْخُذُ خَمْسَةَ عَشَرَ صَاعًا مِنَ الْعَجْوَةِ أَوْ تَجِبُ عَلَيْهِ خَمْسَةَ عَشَرَ صَاعًا مِنَ الْحِنْطَةِ الْمَحْمُولَةِ فَيَدَعُهَا وَيَأْخُذُ عَشَرَةَ أَصْوُعٍ مِنَ الشَّامِيَّةِ فَهَذَا أَيْضًا مَكْرُوهٌ لاَ يَحِلُّ وَهُوَ أَيْضًا يُشْبِهُ مَا نُهِيَ عَنْهُ مِنْ بَيْعَتَيْنِ فِي بَيْعَةٍ وَهُوَ أَيْضًا مِمَّا نُهِيَ عَنْهُ أَنْ يُبَاعَ مِنْ صِنْفٍ وَاحِدٍ مِنَ الطَّعَامِ اثْنَانِ بِوَاحِدٍ .

USC-MSA web (English) reference : Book 31, Hadith 74
Arabic reference : Book 31, Hadith 1364

Yahya related to me from Malik from Abu Hazim ibn Dinar from Said ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, forbade the sale with uncertainty in it.

Malik said, "An example of one type of uncertain transaction and risk is that a man intends the price of a stray animal or escaped slave to be fifty dinars. A man says, 'I will take him from you for twenty dinars.' If the buyer finds him, thirty dinars goes from the seller, and if he does not find him, the seller takes twenty dinars from the buyer."
Malik said, "There is another fault in that. If that stray is found, it is not known whether it will have increased or decreased in value or what defects may have befallen it. This transaction is greatly uncertain and risky."
Malik said, "According to our way of doing things, one kind of uncertain transaction and risk is selling what is in the wombs of females - women and animals - because it is not known whether or not it will come out, and if it does come out, it is not known whether it will be beautiful or ugly, normal or disabled, male or female. All that is disparate. If it has that, its price is such-and-such, and if it has this, its price is such-and-such."
Malik said, "Females must not be sold with what is in their wombs excluded. That is that, for instance, a man says to another, 'The price of my sheep which has much milk is three dinars. She is yours for two dinars while I will have her future offspring.' This is disapproved because it is an uncertain transaction and a risk."
Malik said, "It is not halal to sell olives for olive oil or sesame for sesame oil, or butter for ghee because muzabana comes into that, because the person who buys the raw product for something specified which comes from it, does not know whether more or less will come out of that, so it is an uncertain transaction and a risk."
Malik said, "A similar case is the selling of ben-nuts for ben-nut oil. This is an uncertain transaction because what comes from the ben-nut is ben-oil. There is no harm in selling ben-nuts for perfumed ben because perfumed ben has been perfumed, mixed and changed from the state of raw ben-nut oil."
Malik, speaking about a man who sold goods to a man on the provision that there was to be no loss for the buyer, (i.e. if the buyer could not re-sell the goods they could go back to the seller), said, "This transaction is not permitted and it is part of risk. The explanation of why it is so, is that it is as if the seller hired the buyer for the profit if the goods make a profit. If he sells the stock at a loss, he has nothing, and his efforts are not compensated. This is not good. In such a transaction, the buyer should have a wage according to the work that he has contributed. Whatever there is of loss or profit in those goods is for and against the seller. This is only when the goods are gone and sold. If they do not go, the transaction between them is null and void."
Malik said, "As for a man who buys goods from a man and he concludes the sale and then the buyer regrets and asks to have the price reduced and the seller refuses and says, 'Sell it and I will compensate you for any loss.' There is no harm in this because there is no risk. It is something he proposes to him, and their transaction was not based on that. That is what is done among us."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي حَازِمِ بْنِ دِينَارٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعِ الْغَرَرِ . قَالَ مَالِكٌ وَمِنَ الْغَرَرِ وَالْمُخَاطَرَةِ أَنْ يَعْمِدَ الرَّجُلُ قَدْ ضَلَّتْ دَابَّتُهُ أَوْ أَبَقَ غُلاَمُهُ وَثَمَنُ الشَّىْءِ مِنْ ذَلِكَ خَمْسُونَ دِينَارًا فَيَقُولُ رَجُلٌ أَنَا آخُذُهُ مِنْكَ بِعِشْرِينَ دِينَارًا . فَإِنْ وَجَدَهُ الْمُبْتَاعُ ذَهَبَ مِنَ الْبَائِعِ ثَلاَثُونَ دِينَارًا وَإِنْ لَمْ يَجِدْهُ ذَهَبَ الْبَائِعُ مِنَ الْمُبْتَاعِ بِعِشْرِينَ دِينَارًا . قَالَ مَالِكٌ وَفِي ذَلِكَ عَيْبٌ آخَرُ إِنَّ تِلْكَ الضَّالَّةَ إِنْ وُجِدَتْ لَمْ يُدْرَ أَزَادَتْ أَمْ نَقَصَتْ أَمْ مَا حَدَثَ بِهَا مِنَ الْعُيُوبِ

فَهَذَا أَعْظَمُ الْمُخَاطَرَةِ . قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا أَنَّ مِنَ الْمُخَاطَرَةِ وَالْغَرَرِ اشْتِرَاءَ مَا فِي بُطُونِ الإِنَاثِ مِنَ النِّسَاءِ وَالدَّوَابِّ لأَنَّهُ لاَ يُدْرَى أَيَخْرُجُ أَمْ لاَ يَخْرُجُ فَإِنْ خَرَجَ لَمْ يُدْرَ أَيَكُونُ حَسَنًا أَمْ قَبِيحًا أَمْ تَامًّا أَمْ نَاقِصًا أَمْ ذَكَرًا أَمْ أُنْثَى وَذَلِكَ كُلُّهُ يَتَفَاضَلُ إِنْ كَانَ عَلَى كَذَا فَقِيمَتُهُ كَذَا وَإِنْ كَانَ عَلَى كَذَا فَقِيمَتُهُ كَذَا . قَالَ مَالِكٌ وَلاَ يَنْبَغِي بَيْعُ الإِنَاثِ وَاسْتِثْنَاءُ مَا فِي بُطُونِهَا وَذَلِكَ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ ثَمَنُ شَاتِي الْغَزِيرَةِ ثَلاَثَةُ دَنَانِيرَ فَهِيَ لَكَ بِدِينَارَيْنِ وَلِي مَا فِي بَطْنِهَا . فَهَذَا مَكْرُوهٌ لأَنَّهُ غَرَرٌ وَمُخَاطَرَةٌ . قَالَ مَالِكٌ وَلاَ يَحِلُّ بَيْعُ الزَّيْتُونِ بِالزَّيْتِ وَلاَ الْجُلْجُلاَنِ بِدُهْنِ الْجُلْجُلاَنِ وَلاَ الزُّبْدِ بِالسَّمْنِ لأَنَّ الْمُزَابَنَةَ تَدْخُلُهُ وَلأَنَّ الَّذِي يَشْتَرِي الْحَبَّ وَمَا أَشْبَهَهُ بِشَىْءٍ مُسَمًّى مِمَّا يَخْرُجُ مِنْهُ لاَ يَدْرِي أَيَخْرُجُ مِنْهُ أَقَلُّ مِنْ ذَلِكَ أَوْ أَكْثَرُ فَهَذَا غَرَرٌ وَمُخَاطَرَةٌ . قَالَ مَالِكٌ وَمِنْ ذَلِكَ أَيْضًا اشْتِرَاءُ حَبِّ الْبَانِ بِالسَّلِيخَةِ فَذَلِكَ غَرَرٌ لأَنَّ الَّذِي يَخْرُجُ مِنْ حَبِّ الْبَانِ هُوَ السَّلِيخَةُ وَلاَ بَأْسَ بِحَبِّ الْبَانِ بِالْبَانِ الْمُطَيَّبِ لأَنَّ الْبَانَ الْمُطَيَّبَ قَدْ طُيِّبَ وَنُشَّ وَتَحَوَّلَ عَنْ حَالِ السَّلِيخَةِ . قَالَ مَالِكٌ فِي رَجُلٍ بَاعَ سِلْعَةً مِنْ رَجُلٍ عَلَى أَنَّهُ لاَ نُقْصَانَ عَلَى الْمُبْتَاعِ إِنَّ ذَلِكَ بَيْعٌ غَيْرُ جَائِزٍ وَهُوَ مِنَ الْمُخَاطَرَةِ وَتَفْسِيرُ ذَلِكَ أَنَّهُ كَأَنَّهُ اسْتَأْجَرَهُ بِرِبْحٍ إِنْ كَانَ فِي تِلْكَ السِّلْعَةِ وَإِنْ بَاعَ بِرَأْسِ الْمَالِ أَوْ بِنُقْصَانٍ فَلاَ شَىْءَ لَهُ وَذَهَبَ عَنَاؤُهُ بَاطِلاً فَهَذَا لاَ يَصْلُحُ وَلِلْمُبْتَاعِ فِي هَذَا أُجْرَةٌ بِمِقْدَارِ مَا عَالَجَ مِنْ ذَلِكَ وَمَا كَانَ فِي تِلْكَ السِّلْعَةِ مِنْ نُقْصَانٍ أَوْ رِبْحٍ فَهُوَ لِلْبَائِعِ وَعَلَيْهِ وَإِنَّمَا يَكُونُ ذَلِكَ إِذَا فَاتَتِ السِّلْعَةُ وَبِيعَتْ . فَإِنْ لَمْ تَفُتْ فُسِخَ الْبَيْعُ بَيْنَهُمَا . قَالَ مَالِكٌ فَأَمَّا أَنْ يَبِيعَ رَجُلٌ مِنْ رَجُلٍ سِلْعَةً يَبُتُّ بَيْعَهَا ثُمَّ يَنْدَمُ الْمُشْتَرِي فَيَقُولُ لِلْبَائِعِ ضَعْ عَنِّي فَيَأْبَى الْبَائِعُ وَيَقُولُ بِعْ فَلاَ نُقْصَانَ عَلَيْكَ . فَهَذَا لاَ بَأْسَ بِهِ لأَنَّهُ لَيْسَ مِنَ الْمُخَاطَرَةِ وَإِنَّمَا هُوَ شَىْءٌ وَضَعَهُ لَهُ وَلَيْسَ عَلَى ذَلِكَ عَقَدَا بَيْعَهُمَا وَذَلِكَ الَّذِي عَلَيْهِ الأَمْرُ عِنْدَنَا .

USC-MSA web (English) reference : Book 31, Hadith 75
Arabic reference : Book 31, Hadith 1365

Yahya related to me from Malik from Muhammad ibn Yahya ibn Habban and from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, forbade mulamasa and munabadha.

Malik said, "Mulamasa is when a man can feel a garment but is not allowed to unfold it or examine what is in it, or he buys by night and does not know what is in it. Munabadha is that a man throws his garment to another, and the other throws his garment without either of them making any inspection. Each of them says, 'this is for this. 'This is what is forbidden of mulamasa and munabadha."
Malik said that selling bundles with a list of their contents was different from the sale of the cloak concealed in a bag or the cloth folded up and such things. What made it different was that it was a common practice and it was what people were familiar with, and what people had done in the past, and it was still among the permitted transactions and trading of people in which they saw no harm because in the sale of bundles with a list of contents without undoing them, an uncertain transaction was not intended and it did not resemble mulamasa.
حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، وَعَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنِ الْمُلاَمَسَةِ وَالْمُنَابَذَةِ .

USC-MSA web (English) reference : Book 31, Hadith 76
Arabic reference : Book 31, Hadith 1366

Yahya related to me, that Malik said, "The generally agreed on way of doing things among us about a man buying cloth in one city, and then taking it to another city to sell as a murabaha, is that he is not reckoned to have the wage of an agent, or any allowance for ironing, folding, straightening, expenses, or the rent of a house. As for the cost of transporting the drapery, it is included in the basic price, and no share of the profit is allocated to it unless the agent tells all of that to the investor. If they agree to share the profits accordingly after knowledge of it, there is no harm in that."

Malik said, "As for bleaching, tailoring, dyeing, and such things, they are treated in the same way as drapery. The profit is reckoned in them as it is reckoned in drapery goods. So if he sells the drapery goods without clarifying the things we named as not getting profit, and if the drapery has already gone, the transport is to be reckoned, but no profit is given. If the drapery goods have not gone the transaction between them is null and void unless they make a new mutual agreement on what is to be permitted between them ."
Malik spoke about an agent who bought goods for gold or silver, and the exchange rate on the day of purchase was ten dirhams to the dinar. He took them to a city to sell murabaha, or sold them where he purchased them according to the exchange rate of the day on which he sold them. If he bought them for dirhams and he sold them for dinars, or he bought them for dinars and he sold them for dirhams, and the goods had not gone then he had a choice. If he wished, he accepted to sell the goods and if he wished, he left them. If the goods had been sold, he had the price for which the salesman bought them, and the salesman was reckoned to have the profit on what they were bought for, over what the investor gained as profit.
Malik said, "If a man sells goods worth one hundred dinars for one hundred and ten, and he hears after that they are worth ninety dinars, and the goods have gone, the seller has a choice. If he likes, he has the price of the goods on the day they were taken from him unless the price is more than the price for which he was obliged to sell them in the first place, and he does not have more than that - and it is one hundred and ten dinars. If he likes, it is counted as profit against ninety unless the price his goods reached was less than the value. He is given the choice between what his goods fetch and the capital plus the profit, which is ninety-nine dinars."
Malik said, "If someone sells goods in murabaha and he says, 'It was valued at one hundred dinars to me.' Then he hears later on, that it was worth one hundred and twenty dinars, the customer is given the choice. If he wishes, he gives the salesman the value of the goods on the day he took them, and if he wishes, he gives the price for which he bought them according to the reckoning of what profit he gives him, as far as it goes, unless that is less than the price for which he bought them, for he should not give the owner of the goods a loss from the price for which he bought them because he was satisfied with that. The owner of the goods came to seek extra, so the buyer has no argument against the salesman in that to make a reduction from the first price for which he bought it according to the list of contents."

USC-MSA web (English) reference : Book 31, Hadith 77

Malik spoke about what was done among them in the case of a group of people who bought goods, drapery or slaves, and a man heard about it and said to one of the group, "I have heard the description and situation of the drapery goods you bought from so-and-so. Shall I give you such-and-such profit to take over your portion?" This person agreed, and the man gave him the profit and became a partner in his place. When he looked at the purchase, he saw that it was ugly and found it too expensive.

Malik said, "It is obliged on him and there is no choice in it for him if he bought it according to a list of contents and the description was well-known."
Malik spoke about a man who had drapery goods sent to him, and salesmen came to him and he read to them his list of contents and said, "In each bag is such-and-such a wrap from Basra and such-and-such a light wrap from Sabir. Their size is such-and-such," and he named to them types of drapery goods by their sort, and he said, "Buy them from me according to this description." They bought the bags according to what he described to them, and then they

bought them and found them too expensive and regretted it. Malik said, "The sale is binding on them, if the goods agree with the list of contents on which he sold them."
Malik said, "This is the way of doing things which people still use today. They permit the sale among them when the goods agree with the list of contents and are not different from it. "

USC-MSA web (English) reference : Book 31, Hadith 79

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Both parties in a business transaction have the right of withdrawal as long as they have not separated, except in the transaction called khiyar."

Malik said, "There is no specified limit nor any matter which is applied in this case according to us."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الْمُتَبَايِعَانِ كُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ عَلَى صَاحِبِهِ مَا لَمْ يَتَفَرَّقَا إِلاَّ بَيْعَ الْخِيَارِ " .

USC-MSA web (English) reference : Book 31, Hadith 80
Arabic reference : Book 31, Hadith 1367

Malik related to me that he had heard that Abdullah ibn Masud used to relate that the Messenger of Allah, may Allah bless him and grant him peace, said, "When two parties dispute about a business transaction, the seller's word is taken, or they make an agreement among themselves.

Malik spoke about someone who sold goods to a man, and said at the contracting of the sale, 'I will sell to you provided I consult so-and-so. If he is satisfied, the sale is permitted. If he dislikes it, there is no sale between us.' They made the transaction on that basis. Then the buyer regretted before the seller consulted the person.
Malik said, "That sale is binding on them according to what they described. The buyer has no right of withdrawal, and it is binding on him, if the person whom the seller stipulated to him, permits it."
Malik said, "The way of doing things among us about a man who buys goods from another and they differ about the price, and the seller says, 'I sold them to you for ten dinars,' and the buyer says, 'I bought them from you for five dinars,' is that it is said to the seller, 'If you like, give them to the buyer for what he said. If you like, swear by Allah that you only sold your goods for what you said.' If he swears it is said to the buyer, 'Either you take the goods for what the seller said, or you swear by Allah that you bought them only for what you said.' If he swears, he is free to return the goods. That is when each of them testifies against the other."
وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، كَانَ يُحَدِّثُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَيُّمَا بَيِّعَيْنِ تَبَايَعَا فَالْقَوْلُ مَا قَالَ الْبَائِعُ أَوْ يَتَرَادَّانِ " .

USC-MSA web (English) reference : Book 31, Hadith 81
Arabic reference : Book 31, Hadith 1368

Yahya related to me from Malik from Abu'z-Zinad from Busr ibn Said from Ubayd, Abu Salih, the mawla of as-Saffah that he said, "I sold drapery to the people of Dar Nakhla on credit. Then I wanted to go to Kufa, so they proposed that I reduce the price for them and they would pay me immediately . I asked Zayd ibn Thabit about that, and he said, 'I order you not to accept increase or to give to anybody.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ عُبَيْدٍ أَبِي صَالِحٍ، مَوْلَى السَّفَّاحِ أَنَّهُ قَالَ بِعْتُ بَزًّا لِي مِنْ أَهْلِ دَارِ نَخْلَةَ إِلَى أَجَلٍ ثُمَّ أَرَدْتُ الْخُرُوجَ إِلَى الْكُوفَةِ فَعَرَضُوا عَلَىَّ أَنْ أَضَعَ عَنْهُمْ بَعْضَ الثَّمَنِ وَيَنْقُدُونِي فَسَأَلْتُ عَنْ ذَلِكَ زَيْدَ بْنَ ثَابِتٍ فَقَالَ لاَ آمُرُكَ أَنْ تَأْكُلَ هَذَا وَلاَ تُوكِلَهُ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 82
Arabic reference : Book 31, Hadith 1369

Yahya related to me from Malik from Uthman ibn Hafs ibn Khalda from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Umar was asked about a man who took a loan from another man for a set term. The creditor reduced the debt, and the man paid it immediately Abdullah ibn Umar disliked that, and forbade it.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عُثْمَانَ بْنِ حَفْصِ بْنِ خَلْدَةَ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ سُئِلَ عَنِ الرَّجُلِ، يَكُونُ لَهُ الدَّيْنُ عَلَى الرَّجُلِ إِلَى أَجَلٍ فَيَضَعُ عَنْهُ صَاحِبُ الْحَقِّ وَيُعَجِّلُهُ الآخَرُ فَكَرِهَ ذَلِكَ عَبْدُ اللَّهِ بْنُ عُمَرَ وَنَهَى عَنْهُ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 83
Arabic reference : Book 31, Hadith 1370

Malik related to me that Zayd ibn Aslam said, "Usury in the Jahiliyya was that a man would give a loan to a man for a set term. When the term was due, he would say, 'Will you pay it off or increase me?' If the man paid, he took it. If not, he increased him in his debt and lengthened the term for him ."

Malik said, "The disapproved of way of doing things about which there is no dispute among us, is that a man should give a loan to a man for a term, and then the demander reduce it and the one from whom it is demanded pay it in advance. To us that is like someone who delays repaying his debt after it is due to his creditor and his creditor increases his debt." Malik said, "This is nothing else but usury. No doubt about it."
Malik spoke about a man who loaned one hundred dinars to a man for two terms. When it was due, the person who owed the debt said to him, "Sell me some goods, whose price is one hundred dinars in cash for one hundred and fifty on credit." Malik said, "This transaction is not good, and the people of knowledge still forbid it."
Malik said, "This is disapproved of because the creditor himself gives the debtor the price of what the man sells him, and he defers repayment of the hundred of the first transaction for the debtor for the term which is mentioned to him in the second transaction, and the debtor increases him with fifty dinars for his deferring him. That is disapproved of and it is not good. It also resembles the hadith of Zayd ibn Aslam about the transactions of the people of the Jahiliyya. When their debts were due, they said to the person with the debt, 'Either you pay in full or you increase it.' If they paid, they took it, and if not they increased debtors in their debts, and extended the term for them."

وَحَدَّثَنِي مَالِكٌ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّهُ قَالَ كَانَ الرِّبَا فِي الْجَاهِلِيَّةِ أَنْ يَكُونَ لِلرَّجُلِ عَلَى الرَّجُلِ الْحَقُّ إِلَى أَجَلٍ فَإِذَا حَلَّ الأَجَلُ قَالَ أَتَقْضِي أَمْ تُرْبِي فَإِنْ قَضَى أَخَذَ وَإِلاَّ زَادَهُ فِي حَقِّهِ وَأَخَّرَ عَنْهُ فِي الأَجَلِ ‏.‏ قَالَ مَالِكٌ وَالأَمْرُ الْمَكْرُوهُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا أَنْ يَكُونَ لِلرَّجُلِ عَلَى الرَّجُلِ الدَّيْنُ إِلَى أَجَلٍ فَيَضَعُ عَنْهُ الطَّالِبُ وَيُعَجِّلُهُ الْمَطْلُوبُ وَذَلِكَ عِنْدَنَا بِمَنْزِلَةِ الَّذِي يُؤَخِّرُ دَيْنَهُ بَعْدَ مَحِلِّهِ عَنْ غَرِيمِهِ وَيَزِيدُهُ الْغَرِيمُ فِي حَقِّهِ قَالَ فَهَذَا الرِّبَا بِعَيْنِهِ لاَ شَكَّ فِيهِ ‏.‏ قَالَ مَالِكٌ فِي الرَّجُلِ يَكُونُ لَهُ عَلَى الرَّجُلِ مِائَةُ دِينَارٍ إِلَى أَجَلٍ فَإِذَا حَلَّتْ قَالَ لَهُ الَّذِي عَلَيْهِ الدَّيْنُ بِعْنِي سِلْعَةً يَكُونُ ثَمَنُهَا مِائَةَ دِينَارٍ نَقْدًا بِمِائَةٍ وَخَمْسِينَ إِلَى أَجَلٍ هَذَا بَيْعٌ لاَ يَصْلُحُ وَلَمْ

يَزَلْ أَهْلُ الْعِلْمِ يَنْهَوْنَ عَنْهُ . قَالَ مَالِكٌ وَإِنَّمَا كُرِهَ ذَلِكَ لأَنَّهُ إِنَّمَا يُعْطِيهِ ثَمَنَ مَا بَاعَهُ بِعَيْنِهِ وَيُؤَخِّرُ عَنْهُ الْمِائَةَ الأُولَى إِلَى الأَجَلِ الَّذِي ذَكَرَ لَهُ آخِرَ مَرَّةٍ وَيَزْدَادُ عَلَيْهِ خَمْسِينَ دِينَارًا فِي تَأْخِيرِهِ عَنْهُ فَهَذَا مَكْرُوهٌ وَلاَ يَصْلُحُ وَهُوَ أَيْضًا يُشْبِهُ حَدِيثَ زَيْدِ بْنِ أَسْلَمَ فِي بَيْعِ أَهْلِ الْجَاهِلِيَّةِ إِنَّهُمْ كَانُوا إِذَا حَلَّتْ دُيُونُهُمْ قَالُوا لِلَّذِي عَلَيْهِ الدَّيْنُ إِمَّا أَنْ تَقْضِيَ وَإِمَّا أَنْ تُرْبِيَ . فَإِنْ قَضَى أَخَذُوا وَإِلاَّ زَادُوهُمْ فِي حُقُوقِهِمْ وَزَادُوهُمْ فِي الأَجَلِ .

USC-MSA web (English) reference : Book 31, Hadith 84
Arabic reference : Book 31, Hadith 1371

Yahya related to me from Malik from Abu'z-Zinad from al Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Delay in payment by a rich man is injustice, but when one of you is referred for payment to a wealthy man, let him be referred."

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَطْلُ الْغَنِيِّ ظُلْمٌ وَإِذَا أُتْبِعَ أَحَدُكُمْ عَلَى مَلِيءٍ فَلْيَتْبَعْ " .

USC-MSA web (English) reference : Book 31, Hadith 85
Arabic reference : Book 31, Hadith 1372

86 Malik related to me from Musa ibn Maysara that he heard a man ask Said ibn al-Musayyab, "I am a man who sells for a debt." Said said, "Do not sell except for what you take to your camel."

Malik spoke about a person who bought goods from a man provided that he provide him with those goods by a specific date, either in time for a market in which he hoped for their saleability, or to fulfil a need at the time he stipulated. Then the seller failed him about the date, and the buyer wanted to return those goods to the seller. Malik said, "The buyer cannot do that, and the sale is binding on him. If the seller does bring the goods before the completion of the term, the buyer cannot be forced to take them."
Malik spoke about a person who bought food and measured it. Then some one came to him to buy it and he told him that he had measured it for himself and taken it in full. The new buyer wanted to trust him and accept his measure. Malik said, "Whatever is sold in this way for cash has no harm in it but whatever is sold in this way on delayed terms is disapproved of until the new buyer measures it out for himself. The sale with delayed terms is disapproved of because it leads to usury and it is feared that it will be circulated in this way without weight or measure. If the terms are delayed it is disapproved of and there is no disagreement about that with us."
Malik said, "One should not buy a debt owed by a man whether present or absent, without the confirmation of the one who owes the debt, nor should one buy a debt owed to a man by a dead person even if one knows what the deceased man has left. That is because to buy that is an uncertain transaction and one does not know whether the transaction will be completed or not completed."
He said, "The explanation of what is disapproved of in buying a debt owed by someone absent or dead, is that it is not known what unknown debtor may be connected to the dead person. If the dead person is liable for another debt, the price which the buyer gave on strength of the debt may become worthless."
Malik said, "There is another fault in that as well. He is buying something which is not guaranteed for him, and so if the deal is not completed, what he paid becomes worthless. This is an uncertain transaction and it is not good."
Malik said, "One distinguishes between a man who is only selling what he actually has and a man who is being paid in advance for something which is not yet in his possession. The man advancing the money brings his gold which he intends to buy with. The seller says, 'This is 10 dinars. What do you want me to buy for you with it?' It is as if he sold

10 dinars cash for 15 dinars to be paid later. Because of this, it is disapproved of. It is something leading to usury and fraud."

وَحَدَّثَنِي مَالِكٌ، عَنْ مُوسَى بْنِ مَيْسَرَةَ، أَنَّهُ سَمِعَ رَجُلاً، يَسْأَلُ سَعِيدَ بْنَ الْمُسَيَّبِ فَقَالَ إِنِّي رَجُلٌ أَبِيعُ بِالدَّيْنِ . فَقَالَ سَعِيدٌ لاَ تَبِعْ إِلاَّ مَا آوَيْتَ إِلَى رَحْلِكَ . قَالَ مَالِكٌ فِي الَّذِي يَشْتَرِي السِّلْعَةَ مِنَ الرَّجُلِ عَلَى أَنْ يُوَفِّيَهُ تِلْكَ السِّلْعَةَ إِلَى أَجَلٍ مُسَمًّى إِمَّا لِسُوقٍ يَرْجُو نَفَاقَهَا فِيهِ وَإِمَّا لِحَاجَةٍ فِي ذَلِكَ الزَّمَانِ الَّذِي اشْتَرَطَ عَلَيْهِ ثُمَّ يُخْلِفُهُ الْبَائِعُ عَنْ ذَلِكَ الأَجَلِ فَيُرِيدُ الْمُشْتَرِي رَدَّ تِلْكَ السِّلْعَةِ عَلَى الْبَائِعِ إِنَّ ذَلِكَ لَيْسَ لِلْمُشْتَرِي وَإِنَّ الْبَيْعَ لاَزِمٌ لَهُ وَإِنَّ الْبَائِعَ لَوْ جَاءَ بِتِلْكَ السِّلْعَةِ قَبْلَ مَحِلِّ الأَجَلِ لَمْ يُكْرَهِ الْمُشْتَرِي عَلَى أَخْذِهَا . قَالَ مَالِكٌ فِي الَّذِي يَشْتَرِي الطَّعَامَ فَيَكْتَالُهُ ثُمَّ يَأْتِيهِ مَنْ يَشْتَرِيهِ مِنْهُ فَيُخْبِرُ الَّذِي يَأْتِيهِ أَنَّهُ قَدِ اكْتَالَهُ لِنَفْسِهِ وَاسْتَوْفَاهُ فَيُرِيدُ الْمُبْتَاعُ أَنْ يُصَدِّقَهُ وَيَأْخُذَهُ بِكَيْلِهِ إِنَّ مَا بِيعَ عَلَى هَذِهِ الصِّفَةِ بِنَقْدٍ فَلاَ بَأْسَ بِهِ وَمَا بِيعَ عَلَى هَذِهِ الصِّفَةِ إِلَى أَجَلٍ فَإِنَّهُ مَكْرُوهٌ حَتَّى يَكْتَالَهُ الْمُشْتَرِي الآخَرُ لِنَفْسِهِ وَإِنَّمَا كُرِهَ الَّذِي إِلَى أَجَلٍ لأَنَّهُ ذَرِيعَةٌ إِلَى الرِّبَا وَتَخَوُّفٌ أَنْ يُدَارَ ذَلِكَ عَلَى هَذَا الْوَجْهِ بِغَيْرِ كَيْلٍ وَلاَ وَزْنٍ فَإِنْ كَانَ إِلَى أَجَلٍ فَهُوَ مَكْرُوهٌ وَلاَ اخْتِلاَفَ فِيهِ عِنْدَنَا . قَالَ مَالِكٌ لاَ يَنْبَغِي أَنْ يُشْتَرَى دَيْنٌ عَلَى رَجُلٍ غَائِبٍ وَلاَ حَاضِرٍ إِلاَّ بِإِقْرَارٍ مِنَ الَّذِي عَلَيْهِ الدَّيْنُ وَلاَ عَلَى مَيِّتٍ وَإِنْ عَلِمَ الَّذِي تَرَكَ الْمَيِّتُ وَذَلِكَ أَنَّ اشْتِرَاءَ ذَلِكَ غَرَرٌ لاَ يُدْرَى أَيَتِمُّ أَمْ لاَ يَتِمُّ . قَالَ وَتَفْسِيرُ مَا كُرِهَ مِنْ ذَلِكَ أَنَّهُ إِذَا اشْتَرَى دَيْنًا عَلَى غَائِبٍ أَوْ مَيِّتٍ أَنَّهُ لاَ يُدْرَى مَا يَلْحَقُ الْمَيِّتَ مِنَ الدَّيْنِ الَّذِي لَمْ يُعْلَمْ بِهِ فَإِنْ لَحِقَ الْمَيِّتَ دَيْنٌ ذَهَبَ الثَّمَنُ الَّذِي أَعْطَى الْمُبْتَاعُ بَاطِلاً . قَالَ مَالِكٌ وَفِي ذَلِكَ أَيْضًا عَيْبٌ آخَرُ أَنَّهُ اشْتَرَى شَيْئًا لَيْسَ بِمَضْمُونٍ لَهُ وَإِنْ لَمْ يَتِمَّ ذَهَبَ ثَمَنُهُ بَاطِلاً فَهَذَا غَرَرٌ لاَ يَصْلُحُ . قَالَ مَالِكٌ وَإِنَّمَا فُرِقَ بَيْنَ أَنْ لاَ يَبِيعَ الرَّجُلُ إِلاَّ مَا عِنْدَهُ وَأَنْ يُسَلِّفَ الرَّجُلُ فِي شَىْءٍ لَيْسَ عِنْدَهُ أَصْلُهُ أَنَّ صَاحِبَ الْعِينَةِ إِنَّمَا يَحْمِلُ ذَهَبَهُ الَّتِي يُرِيدُ أَنْ يَبْتَاعَ بِهَا فَيَقُولُ هَذِهِ عَشَرَةُ دَنَانِيرَ فَمَا تُرِيدُ أَنْ أَشْتَرِيَ لَكَ بِهَا فَكَأَنَّهُ يَبِيعُ عَشَرَةَ دَنَانِيرَ نَقْدًا بِخَمْسَةَ عَشَرَ دِينَارًا إِلَى أَجَلٍ فَلِهَذَا كُرِهَ هَذَا وَإِنَّمَا تِلْكَ الدُّخْلَةُ وَالدُّلْسَةُ .

USC-MSA web (English) reference : Book 31, Hadith 86
Arabic reference : Book 31, Hadith 1373

Malik said there was no harm if a man who sold some drapery and excluded some garments by their markings, stipulated that he chose the marked ones from that. If he did not stipulate that he would choose from them when he made the exclusion, I think that he is partner in the number of drapery goods which were purchased from him. That is because two garments can be alike in marking and be greatly different in price.

Malik said, "The way of doing things among us is that there is no harm in partnership, transferring responsibility to an agent, and revocation when dealing with food and other things, whether or not possession was taken, when the transaction is with cash, and there is no profit, loss, or deferment of price in it. If profit or loss or deferment of price from one of the two enters any of these transactions, it becomes sale which is made halal by what makes sale halal, and made haram by what makes sale haram, and it is not partnership, transferring responsibility to an agent, or revocation."
Malik spoke about some one who bought drapery goods or slaves, and the sale was concluded, then a man asked him to be his partner and he agreed and the new partner paid the whole price to the seller and then something happened to the goods which removed them from their possession. Malik said, "The new partner takes the price from the original partner and the original partner demands from the seller the whole price unless the original partner stipulated on the new partner during the sale and before the transaction with the seller was completed that the seller was responsible to him. If the transaction has ended and the seller has gone, the pre-condition of the original partner is void, and he has the responsibility."

Malik spoke about a man who asked another man to buy certain goods to share between them, and he wanted the other man to pay for him and he would sell the goods for the other man. Malik said, "That is not good. When he says, 'Pay for me and I will sell it for you,' it becomes a loan which he makes to him in order that he sell it for him and if those goods are destroyed, or pass, the man who paid the price will demand from his partner what he put in for him. This is part of the advance which brings in profit."
Malik said, "If a man buys goods, and they are settled for him, and then a man says to him, 'Share half of these goods with me, and I will sell them all for you,' that is halal, there is no harm in it. The explanation of that is that this is a new sale and he sells him half of the goods provided that he sells the whole lot."

USC-MSA web (English) reference : Book 31, Hadith 87

Yahya related to me from Malik from Ibn Shihab from Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whenever a man sells wares and then the buyer becomes bankrupt and the seller has not taken any of the price and he finds some of his property intact with the buyer, he is more entitled to it than anyone else. If the buyer dies, then the seller is the same as other creditors with respect to it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَيُّمَا رَجُلٍ بَاعَ مَتَاعًا فَأَفْلَسَ الَّذِي ابْتَاعَهُ مِنْهُ وَلَمْ يَقْبِضِ الَّذِي بَاعَهُ مِنْ ثَمَنِهِ شَيْئًا فَوَجَدَهُ بِعَيْنِهِ فَهُوَ أَحَقُّ بِهِ وَإِنْ مَاتَ الَّذِي ابْتَاعَهُ فَصَاحِبُ الْمَتَاعِ فِيهِ أُسْوَةُ الْغُرَمَاءِ " .

USC-MSA web (English) reference : Book 31, Hadith 88
Arabic reference : Book 31, Hadith 1374

Malik related to me from Yahya ibn Said from Abu Bakr ibn Muhammad ibn Amr ibn Hazm from Umar ibn Abdal-Aziz from Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If anyone goes bankrupt, and a man finds his own property intact with him, he is more entitled to it than anyone else."

Malik spoke about a man who sold a man wares, and the buyer went bankrupt. He said, "The seller takes whatever of his goods he finds. If the buyer has sold some of them and distributed them, the seller of the wares is more entitled to them than the creditors. What the buyer has distributed does not prevent the seller from taking whatever of it he finds. It is the seller's right if he has received any of the price from the buyer and he wants to return it to take what he finds of his wares, and in what he does not find, he is like the creditors."
Malik spoke about some one who bought spun wool or a plot of land, and then did some work on it, like building a house on the plot of land or weaving the spun wool into cloth. Then he went bankrupt after he had bought it, and the original owner of the plot said, "I will take the plot and whatever structure is on it." Malik said, "That structure is not his. However, the plot and what is in it that the buyer has improved is appraised. Then one sees what the price of the plot is and how much of that value is the price of the structure. They are partners in that. The owner of the plot has as much as his portion, and the creditors have the amount of the portion of the structure."
Malik said, "The explanation of that is that the value of it all is fifteen hundred dirhams. The value of the plot is five hundred dirhams, and the value of the building is one thousand dirhams. The owner of the plot has a third, and the creditors have two-thirds."
Malik said, "It is like that with spinning and other things of the same nature in these circumstances and the buyer has a debt which he cannot pay. This is the behaviour in such cases."
Malik said, "As for goods which have been sold and which the buyer does not improve, but those goods sell well and have gone up in price, so their owner wants them and the creditors also want to seize them, then the creditors

choose between giving the owner of the goods the price for which he sold them and not giving him any loss and surrendering his goods to him.

"If the price of the goods has gone down, the one who sold them has a choice. If he likes, he can take his goods and he has no claim to any of his debtor's property, and that is his right. If he likes, he can be one of the creditors and take a portion of his due and not take his goods. That is up to him."

Malik said about someone who bought a slave-girl or animal and she gave birth in his possession and the buyer went bankrupt, "The slave-girl or the animal and the offspring belong to the seller unless the creditors desire it. In that case they give him his complete due and they take it."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَيُّمَا رَجُلٍ أَفْلَسَ فَأَدْرَكَ الرَّجُلُ مَالَهُ بِعَيْنِهِ فَهُوَ أَحَقُّ بِهِ مِنْ غَيْرِهِ " .

USC-MSA web (English) reference : Book 31, Hadith 89
Arabic reference : Book 31, Hadith 1375

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that Abu Rafi, the mawla of the Messenger of Allah, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, borrowed a young camel and then the camels of sadaqa came to him." Abu Rafi said, "He ordered me to repay the man his young camel. I said, 'I can only find a good camel in its seventh year in the camels.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Give it to him. The best of people are those who discharge their debts in the best manner.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي رَافِعٍ، مَوْلَى رَسُولِ اللَّهِ صلى الله عليه وسلم أَنَّهُ قَالَ اسْتَسْلَفَ رَسُولُ اللَّهِ صلى الله عليه وسلم بَكْرًا فَجَاءَتْهُ إِبِلٌ مِنَ الصَّدَقَةِ قَالَ أَبُو رَافِعٍ فَأَمَرَنِي رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ أَقْضِيَ الرَّجُلَ بَكْرَهُ فَقُلْتُ لَمْ أَجِدْ فِي الإِبِلِ إِلاَّ جَمَلاً خِيَارًا رَبَاعِيًا . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَعْطِهِ إِيَّاهُ فَإِنَّ خِيَارَ النَّاسِ أَحْسَنُهُمْ قَضَاءً " .

USC-MSA web (English) reference : Book 31, Hadith 90
Arabic reference : Book 31, Hadith 1376

Malik related to me from Humayd ibn Qays al-Makki that Mujahid said, "Abdullah ibn Umar borrowed some dirhams from a man, then he discharged his debt with dirhams better than them. The man said, 'Abu Abdar-Rahman. These are better than the dirhams which I lent you.' Abdullah ibn Umar said, 'I know that. But I am happy with myself about that.' "

Malik said, "There is no harm in a person who has borrowed gold, silver, food, or animals, taking to the person who lent it, something better than what he lent, when that is not a stipulation between them nor a custom. If that is by a stipulation or promise or custom, then it is disapproved, and there is no good in it."

He said, "That is because the Messenger of Allah, may Allah bless him and grant him peace, discharged his debt with a good camel in its seventh year in place of a young camel which he borrowed, and Abdullah ibn Umar borrowed some dirhams, and repaid them with better ones. If that is from the goodness of the borrower, and it is not by a stipulation, promise, or custom, it is halal and there is no harm in it."

وَحَدَّثَنِي مَالِكٌ، عَنْ حُمَيْدِ بْنِ قَيْسٍ الْمَكِّيِّ، عَنْ مُجَاهِدٍ، أَنَّهُ قَالَ اسْتَسْلَفَ عَبْدُ اللَّهِ بْنُ عُمَرَ مِنْ رَجُلٍ دَرَاهِمَ ثُمَّ قَضَاهُ دَرَاهِمَ خَيْرًا مِنْهَا فَقَالَ الرَّجُلُ يَا أَبَا عَبْدِ الرَّحْمَنِ هَذِهِ خَيْرٌ مِنْ دَرَاهِمِي الَّتِي أَسْلَفْتُكَ . فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ قَدْ عَلِمْتُ وَلَكِنْ نَفْسِي بِذَلِكَ طَيِّبَةٌ . قَالَ مَالِكٌ لاَ بَأْسَ بِأَنْ يُقْبِضَ مَنْ أُسْلِفَ شَيْئًا مِنَ الذَّهَبِ أَوِ الْوَرِقِ أَوِ الطَّعَامِ أَوِ الْحَيَوَانِ مِمَّنْ أَسْلَفَهُ ذَلِكَ أَفْضَلَ مِمَّا أَسْلَفَهُ إِذَا لَمْ يَكُنْ ذَلِكَ عَلَى شَرْطٍ مِنْهُمَا أَوْ عَادَةٍ فَإِنْ كَانَ ذَلِكَ عَلَى شَرْطٍ أَوْ وَأْيٍ أَوْ عَادَةٍ فَذَلِكَ مَكْرُوهٌ وَلاَ خَيْرَ فِيهِ . قَالَ وَذَلِكَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَضَى جَمَلاً رَبَاعِيًا خِيَارًا مَكَانَ بَكْرٍ اسْتَسْلَفَهُ وَأَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ اسْتَسْلَفَ دَرَاهِمَ فَقَضَى خَيْرًا مِنْهَا فَإِنْ كَانَ ذَلِكَ عَلَى طِيبِ نَفْسٍ مِنَ الْمُسْتَسْلِفِ وَلَمْ يَكُنْ ذَلِكَ عَلَى شَرْطٍ وَلاَ وَأْيٍ وَلاَ عَادَةٍ كَانَ ذَلِكَ حَلاَلاً لاَ بَأْسَ بِهِ .

USC-MSA web (English) reference : Book 31, Hadith 91
Arabic reference : Book 31, Hadith 1377

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab said that he disapproved of one man lending another food on the provision that he gave it back to him in another city. He said, "Where is the transport?"

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ فِي رَجُلٍ أَسْلَفَ رَجُلاً طَعَامًا عَلَى أَنْ يُعْطِيَهُ إِيَّاهُ فِي بَلَدٍ آخَرَ فَكَرِهَ ذَلِكَ عُمَرُ بْنُ الْخَطَّابِ وَقَالَ فَأَيْنَ الْحَمْلُ يَعْنِي حُمْلاَنَهُ .

USC-MSA web (English) reference : Book 31, Hadith 92
Arabic reference : Book 31, Hadith 1378

And Malik related to me that he had heard that a man came to Abdullah ibn Umar and said, "Abu Abd ar-Rahman, I gave a man a loan and stipulated that he give me better than what I lent him." Abdullah ibn Umar said, "That is usury." Abdullah said, "Loans are of three types:

A free loan which you lend by which you desire the pleasure of Allah, and so you have the pleasure of Allah. A free loan which you lend by which you desire the pleasure of your companion, so you have the pleasure of your companion, and a free loan which you lend by which you take what is impure by what is pure, and that is usury." He said, "What do you order me to do, Abu Abd ar-Rahman?" He said, "I think that you should tear up the agreement. If he gives you the like of what you lent him, accept it. If he gives you less than what you lent him, take it and you will be rewarded. If he gives you better than what you lent him, of his own good will, that is his gratitude to you and you have the wage of the period you gave him the loan."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، أَتَى عَبْدَ اللَّهِ بْنَ عُمَرَ فَقَالَ يَا أَبَا عَبْدِ الرَّحْمَنِ إِنِّي أَسْلَفْتُ رَجُلاً سَلَفًا وَاشْتَرَطْتُ عَلَيْهِ أَفْضَلَ مِمَّا أَسْلَفْتُهُ . فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ فَذَلِكَ الرِّبَا . قَالَ فَكَيْفَ تَأْمُرُنِي يَا أَبَا عَبْدِ الرَّحْمَنِ فَقَالَ عَبْدُ اللَّهِ السَّلَفُ عَلَى ثَلاَثَةِ وُجُوهٍ سَلَفٌ تُسْلِفُهُ تُرِيدُ بِهِ وَجْهَ اللَّهِ فَلَكَ وَجْهُ اللَّهِ وَسَلَفٌ تُسْلِفُهُ تُرِيدُ بِهِ وَجْهَ صَاحِبِكَ فَلَكَ وَجْهُ صَاحِبِكَ وَسَلَفٌ تُسْلِفُهُ لِتَأْخُذَ خَبِيثًا بِطَيِّبٍ فَذَلِكَ الرِّبَا . قَالَ فَكَيْفَ تَأْمُرُنِي يَا أَبَا عَبْدِ الرَّحْمَنِ قَالَ أَرَى أَنْ تَشُقَّ الصَّحِيفَةَ فَإِنْ أَعْطَاكَ مِثْلَ الَّذِي أَسْلَفْتَهُ قَبِلْتَهُ وَإِنْ أَعْطَاكَ دُونَ الَّذِي أَسْلَفْتَهُ فَأَخَذْتَهُ أُجِرْتَ وَإِنْ أَعْطَاكَ أَفْضَلَ مِمَّا أَسْلَفْتَهُ طَيِّبَةً بِهِ نَفْسُهُ فَذَلِكَ شُكْرٌ شَكَرَهُ لَكَ وَلَكَ أَجْرُ مَا أَنْظَرْتَهُ .

USC-MSA web (English) reference : Book 31, Hadith 93

Arabic reference : Book 31, Hadith 1379

Yahya related to me from Malik from Nafi that he heard Abdullah ibn Umar say, "If someone lends something, let the only condition be that it is repaid."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّهُ سَمِعَ عَبْدَ اللَّهِ بْنَ عُمَرَ، يَقُولُ مَنْ أَسْلَفَ سَلَفًا فَلاَ يَشْتَرِطْ إِلاَّ قَضَاءَهُ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 94
Arabic reference : Book 31, Hadith 1380

Malik related to me that he had heard that Abdullah ibn Masud used to say, "If someone makes a loan, they should not stipulate better than it. Even if it is a handful of grass, it is usury."

Malik said, "The generally agreed on way of doing things among us is that there is no harm in borrowing any animals with a set description and itemisation, and one must return the like of them. This is not done in the case of female slaves. It is feared about that that it will lead to making halal what is not halal, so it is not good. The explanation of what is disapproved of in that, is that a man borrow a slave-girl and have intercourse with her as seems proper to him. Then he returns her to her owner. That is not good and it is not halal. The people of knowledge still forbid it and do not give an indulgence to any one in it."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، كَانَ يَقُولُ مَنْ أَسْلَفَ سَلَفًا فَلاَ يَشْتَرِطْ أَفْضَلَ مِنْهُ وَإِنْ كَانَتْ قَبْضَةً مِنْ عَلَفٍ فَهُوَ رِبًا ‏.‏ قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ مَنِ اسْتَسْلَفَ شَيْئًا مِنَ الْحَيَوَانِ بِصِفَةٍ وَتَحْلِيَةٍ مَعْلُومَةٍ فَإِنَّهُ لاَ بَأْسَ بِذَلِكَ وَعَلَيْهِ أَنْ يَرُدَّ مِثْلَهُ إِلاَّ مَا كَانَ مِنَ الْوَلاَئِدِ فَإِنَّهُ يُخَافُ فِي ذَلِكَ الذَّرِيعَةُ إِلَى إِحْلاَلِ مَا لاَ يَحِلُّ فَلاَ يَصْلُحُ وَتَفْسِيرُ مَا كُرِهَ مِنْ ذَلِكَ أَنْ يَسْتَسْلِفَ الرَّجُلُ الْجَارِيَةَ فَيُصِيبُهَا مَا بَدَا لَهُ ثُمَّ يَرُدُّهَا إِلَى صَاحِبِهَا بِعَيْنِهَا فَذَلِكَ لاَ يَصْلُحُ وَلاَ يَحِلُّ وَلَمْ يَزَلْ أَهْلُ الْعِلْمِ يَنْهَوْنَ عَنْهُ وَلاَ يُرَخِّصُونَ فِيهِ لأَحَدٍ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 95
Arabic reference : Book 31, Hadith 1381

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not let any of you bid against each other."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ لاَ يَبِعْ بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 31, Hadith 96
Arabic reference : Book 31, Hadith 1382

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not go out to meet the caravans for trade, do not bid against each other, outbidding in order to raise the price, and a townsman must not buy on behalf of a man of the desert, and do not tie up the udders of camels and sheep so that they appear to have a lot of milk, for a person who buys them after that has two recourses open to him after he milks them. If he is pleased with them, he keeps them and if he is displeased with them, he can return them along with a sa of dates."

Malik said, "The explanation of the words of the Messenger of Allah, may Allah bless him and grant him peace, according to what we think - and Allah knows best - 'do not bid against each other,' is that it is forbidden for a man

to offer a price over the price of his brother when the seller has inclined to the bargainer and made conditions about the weight of the gold and he has declared himself not liable for faults and such things by which it is recognised that the seller wants to make a transaction with the bargainer. This is what he forbade, and Allah knows best."
Malik said, "There is no harm, however, in more than one person bidding against each other over goods put up for sale."
He said, "Were people to leave off haggling when the first person started haggling, an unreal price might be taken and the disapproved would enter into the sale of the goods. This is still the way of doing things among us."
وَحَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ تَلَقَّوُا الرُّكْبَانَ لِلْبَيْعِ وَلاَ يَبِعْ بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ وَلاَ تَنَاجَشُوا وَلاَ يَبِعْ حَاضِرٌ لِبَادٍ وَلاَ تُصَرُّوا الإِبِلَ وَالْغَنَمَ فَمَنِ ابْتَاعَهَا بَعْدَ ذَلِكَ فَهُوَ بِخَيْرِ النَّظَرَيْنِ بَعْدَ أَنْ يَحْلُبَهَا إِنْ رَضِيَهَا أَمْسَكَهَا وَإِنْ سَخِطَهَا رَدَّهَا وَصَاعًا مِنْ تَمْرٍ " .

USC-MSA web (English) reference : Book 31, Hadith 97
Arabic reference : Book 31, Hadith 1383

Malik said, from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade najsh.

Malik said, "Najsh is to offer a man more than the worth of his goods when you do not mean to buy them and someone else follows you in bidding."
قَالَ مَالِكٌ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنِ النَّجْشِ .

USC-MSA web (English) reference : Book 31, Hadith 98
Arabic reference : Book 31, Hadith 1384

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that a man mentioned to the Messenger of Allah, may Allah bless him and grant him peace, that he was always being cheated in business transactions. The Messenger of Allah, may Allah bless him and grant him peace, said, "When you enter a transaction, say, 'No trickery.' So whenever that man entered a transaction, he would say, 'No trickery.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَجُلاً، ذَكَرَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم أَنَّهُ يُخْدَعُ فِي الْبُيُوعِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِذَا بَايَعْتَ فَقُلْ لاَ خِلاَبَةَ " . قَالَ فَكَانَ الرَّجُلُ إِذَا بَايَعَ يَقُولُ لاَ خِلاَبَةَ .

USC-MSA web (English) reference : Book 31, Hadith 99
Arabic reference : Book 31, Hadith 1385

Malik related to me that Yahya ibn Said heard Said ibn al- Musayyab say, "When you come to a land where they give full measure and full weight, stay there. When you come to a land where they shorten the measure and weight, then do not stay there very long."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ إِذَا جِئْتَ أَرْضًا يُوفُونَ الْمِكْيَالَ وَالْمِيزَانَ فَأَطِلِ الْمُقَامَ بِهَا وَإِذَا جِئْتَ أَرْضًا يُنَقِّصُونَ الْمِكْيَالَ وَالْمِيزَانَ فَأَقْلِلِ الْمُقَامَ بِهَا .

USC-MSA web (English) reference : Book 31, Hadith 100
Arabic reference : Book 31, Hadith 1386

Malik related to me from Yahya ibn Said that he heard Muhammad ibn al-Munkadir say, "Allah loves his slave who is generous when he sells, and generous when he buys, generous when he repays, and generous when he is repaid."

Malik said about a man who bought camels or sheep or dry goods or slaves or any goods without measuring precisely, "There is no buying without measuring precisely in anything which can be counted . "
Malik said about a man who gave a man goods to sell for him and set their price saying, "If you sell them for this price as I have ordered you to do, you will have a dinar (or something which he has specified, which they are both satisfied with), if you do not sell them, you will have nothing," "There is no harm in that when he names a price to sell them at and names a known fee. If he sells the goods, he takes the fee, and if he does not sell them, he has nothing."
Malik said, "This is like saying to another man, 'If you capture my runaway slave or bring my stray camel, you will have such-and-such.' This is from the category of reward, and not from the category of giving a wage. Had it been from the category of giving a wage, it would not be good."
Malik said, "As for a man who is given goods and told that if he sells them he will have a named percentage for every dinar, that is not good because whenever he is a dinar less than the price of the goods, he decreases the due which was named for him. This is an uncertain transaction. He does not know how much he will be given."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ مُحَمَّدَ بْنَ الْمُنْكَدِرِ، يَقُولُ أَحَبَّ اللَّهُ عَبْدًا سَمْحًا إِنْ بَاعَ سَمْحًا إِنِ ابْتَاعَ سَمْحًا إِنْ قَضَى سَمْحًا إِنِ اقْتَضَى . قَالَ مَالِكٌ فِي الرَّجُلِ يَشْتَرِي الإِبِلَ أَوِ الْغَنَمَ أَوِ الْبَزَّ أَوِ الرَّقِيقَ أَوْ شَيْئًا مِنَ الْعُرُوضِ جِزَافًا إِنَّهُ لاَ يَكُونُ الْجِزَافُ فِي شَىْءٍ مِمَّا يُعَدُّ عَدًّا . قَالَ مَالِكٌ فِي الرَّجُلِ يُعْطِي الرَّجُلَ السِّلْعَةَ يَبِيعُهَا لَهُ وَقَدْ قَوَّمَهَا صَاحِبُهَا قِيمَةً فَقَالَ إِنْ بِعْتَهَا بِهَذَا الثَّمَنِ الَّذِي أَمَرْتُكَ بِهِ فَلَكَ دِينَارٌ - أَوْ شَىْءٌ يُسَمِّيهِ لَهُ يَتَرَاضَيَانِ عَلَيْهِ - وَإِنْ لَمْ تَبِعْهَا فَلَيْسَ لَكَ شَىْءٌ إِنَّهُ لاَ بَأْسَ بِذَلِكَ إِذَا سَمَّى ثَمَنًا يَبِيعُهَا بِهِ وَسَمَّى أَجْرًا مَعْلُومًا إِذَا بَاعَ أَخَذَهُ وَإِنْ لَمْ يَبِعْ فَلاَ شَىْءَ لَهُ . قَالَ مَالِكٌ وَمِثْلُ ذَلِكَ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ إِنْ قَدَرْتَ عَلَى غُلاَمِي الآبِقِ أَوْ جِئْتَ بِجَمَلِي الشَّارِدِ فَلَكَ كَذَا . فَهَذَا مِنْ بَابِ الْجُعْلِ وَلَيْسَ مِنْ بَابِ الإِجَارَةِ وَلَوْ كَانَ مِنْ بَابِ الإِجَارَةِ لَمْ يَصْلُحْ . قَالَ مَالِكٌ فَأَمَّا الرَّجُلُ يُعْطَى السِّلْعَةَ فَيُقَالُ لَهُ بِعْهَا وَلَكَ كَذَا وَكَذَا فِي كُلِّ دِينَارٍ . لِشَىْءٍ يُسَمِّيهِ فَإِنَّ ذَلِكَ لاَ يَصْلُحُ لأَنَّهُ كُلَّمَا نَقَصَ دِينَارٌ مِنْ ثَمَنِ السِّلْعَةِ نَقَصَ مِنْ حَقِّهِ الَّذِي سَمَّى لَهُ فَهَذَا غَرَرٌ لاَ يَدْرِي كَمْ جَعَلَ لَهُ .

USC-MSA web (English) reference : Book 31, Hadith 101
Arabic reference : Book 31, Hadith 1387

Malik related to me that he asked Ibn Shihab about a man who hired an animal, and then re-hired it out for more than what he hired it for. He said, "There is no harm in that."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ سَأَلَهُ عَنِ الرَّجُلِ، يَتَكَارَى الدَّابَّةَ ثُمَّ يُكْرِيهَا بِأَكْثَرَ مِمَّا تَكَارَاهَا بِهِ فَقَالَ لاَ بَأْسَ بِذَلِكَ .

USC-MSA web (English) reference : Book 31, Hadith 102
Arabic reference : Book 31, Hadith 1388

32 - Qirad كتاب القراض

Malik related to me from Zayd ibn Aslam that his father said, "Abdullah and Ubaydullah, the sons of Umar ibn al-Khattab went out with the army to Iraq. On the way home, they passed by Abu Musa al- Ashari who was the amir of Basra. He greeted them and made them welcome, and told them that if there was anything he could do to help them, he would do it. Then he said, 'There is some of the property of Allah which I want to send to the amir al-muminin, so I will lend it to you, and you can buy wares from Iraq and sell them in Madina. Then give the principal to the amir al-muminin, and you keep the profit.' They said that they would like to do it, and so he gave them the money and wrote to Umar ibn al-Khattab to take the money from them. When they came to sell they made a profit, and when they paid the principal to Umar he asked, 'Did he lend everyone in the army the like of what he lent you?' They said, 'No.' Umar ibn al-Khattab said, 'He made you the loan, because you are the sons of the amir al-muminin, so pay the principal and the profit.' Abdullah was silent. Ubaydullah said, 'You do not need to do this, amir al-muminin. Had the principal decreased or been destroyed, we would have guaranteed it.' Umar said, 'Pay it.' Abdullah was silent, and Ubaydullah repeated it. A man who was sitting with Umar said, 'Amir al-muminin, better that you make it a qirad. 'Umar said, 'I have made it qirad.' Umar then took the principal and half of the profit, and Abdullah and Ubaydullah, the sons of Umar ibn al-Khattab took half of the profit."

حَدَّثَنِي مَالِكٌ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ خَرَجَ عَبْدُ اللَّهِ وَعُبَيْدُ اللَّهِ ابْنَا عُمَرَ بْنِ الْخَطَّابِ فِي جَيْشٍ إِلَى الْعِرَاقِ فَلَمَّا قَفَلاَ مَرَّا عَلَى أَبِي مُوسَى الأَشْعَرِيِّ وَهُوَ أَمِيرُ الْبَصْرَةِ فَرَحَّبَ بِهِمَا وَسَهَّلَ ثُمَّ قَالَ لَوْ أَقْدِرُ لَكُمَا عَلَى أَمْرٍ أَنْفَعُكُمَا بِهِ لَفَعَلْتُ . ثُمَّ قَالَ بَلَى هَا هُنَا مَالٌ مِنْ مَالِ اللَّهِ أُرِيدُ أَنْ أَبْعَثَ بِهِ إِلَى أَمِيرِ الْمُؤْمِنِينَ فَأُسْلِفُكُمَاهُ فَتَبْتَاعَانِ بِهِ مَتَاعًا مِنْ مَتَاعِ الْعِرَاقِ ثُمَّ تَبِيعَانِهِ بِالْمَدِينَةِ فَتُؤَدِّيَانِ رَأْسَ الْمَالِ إِلَى أَمِيرِ الْمُؤْمِنِينَ وَيَكُونُ الرِّبْحُ لَكُمَا فَقَالاَ وَدِدْنَا ذَلِكَ . فَفَعَلَ وَكَتَبَ إِلَى عُمَرَ بْنِ الْخَطَّابِ أَنْ يَأْخُذَ مِنْهُمَا الْمَالَ فَلَمَّا قَدِمَا بَاعَا فَأُرْبِحَا فَلَمَّا دَفَعَا ذَلِكَ إِلَى عُمَرَ قَالَ أَكُلُّ الْجَيْشِ أَسْلَفَهُ مِثْلَ مَا أَسْلَفَكُمَا قَالاَ لاَ . فَقَالَ عُمَرُ بْنُ الْخَطَّابِ ابْنَا أَمِيرِ الْمُؤْمِنِينَ فَأَسْلَفَكُمَا أَدِّيَا الْمَالَ وَرِبْحَهُ . فَأَمَّا عَبْدُ اللَّهِ فَسَكَتَ وَأَمَّا عُبَيْدُ اللَّهِ فَقَالَ مَا يَنْبَغِي لَكَ يَا أَمِيرَ الْمُؤْمِنِينَ هَذَا لَوْ نَقَصَ هَذَا الْمَالُ أَوْ هَلَكَ لَضَمِنَّاهُ . فَقَالَ عُمَرُ أَدِّيَاهُ . فَسَكَتَ عَبْدُ اللَّهِ وَرَاجَعَهُ عُبَيْدُ اللَّهِ . فَقَالَ رَجُلٌ مِنْ جُلَسَاءِ عُمَرَ يَا أَمِيرَ الْمُؤْمِنِينَ لَوْ جَعَلْتَهُ قِرَاضًا . فَقَالَ عُمَرُ قَدْ جَعَلْتُهُ قِرَاضًا . فَأَخَذَ عُمَرُ رَأْسَ الْمَالِ وَنِصْفَ رِبْحِهِ وَأَخَذَ عَبْدُ اللَّهِ وَعُبَيْدُ اللَّهِ ابْنَا عُمَرَ بْنِ الْخَطَّابِ نِصْفَ رِبْحِ الْمَالِ .

USC-MSA web (English) reference : Book 32, Hadith 1
Arabic reference : Book 32, Hadith 1389

Malik related to me from al-Ala ibn Abd ar-Rahman from his father from his father that Uthman ibn Affan gave him some money as qirad to use provided the profit was shared between them.

وَحَدَّثَنِي مَالِكٌ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، أَعْطَاهُ مَالاً قِرَاضًا يَعْمَلُ فِيهِ عَلَى أَنَّ الرِّبْحَ بَيْنَهُمَا .

USC-MSA web (English) reference : Book 32, Hadith 2
Arabic reference : Book 32, Hadith 1390

Malik said, "The recognised and permitted form of qirad is that a man take capital from an associate to use. He does not guarantee it and in travelling pays out of the capital for food and clothes and what he makes good use of,

according to the amount of capital. That is, when he travels to do the work and the capital can support it. If he remains with his people, he does not have expenses or clothing from the capital."

Malik said, "There is no harm in the two parties in a qirad helping each other by way of a favour when it is acceptable to them both."
Malik said, "There is no harm in the investor of the capital buying some of the goods from the agent in the qirad if that is acceptable and without conditions."
Malik spoke about an investor making a qirad loan to a man and his slave, to be used by both. He said, "That is permitted, and there is no harm in it because the profit is property for his slave, and the profit is not for the master until he takes it from him. It is like the rest of his earnings."

USC-MSA web (English) reference : Book 32, Hadith 3

Malik said, "When a man owes money to another man and he asks him to let it stay with him as a quirad, that is disapproved of until the creditor receives his property. Then he can make it a qirad loan or keep it. That is because the debtor may be in a tight situation, and want to delay it to increase it for him."

Malik spoke about an investor who made a qirad loan to a man, and some of the principal was lost before he used it, and then he used it and made a profit. The agent wanted to make the principal the remainder of the money after what was lost from it. Malik said, "His statement is not accepted, and the principal is made up to its original amount from his profit. Then they divide what remains after the principal has been repaid according to the conditions of the qirad."
Malik said, "Qirad loan is only good in gold or silver coin and it is never permitted in any kind of wares or goods or articles."
Malik said, "There are certain transactions which if a long span of time passes after the transaction takes place, its revocation becomes unacceptable. As for usury, there is never anything except its rejection whether it is a little or a lot. What is permitted in other than it is not permitted in it because Allah, the Blessed and the Exalted, said in His Book, 'If you repent, you have your capital back, not wronging and not wronged. ' "
32.4 Conditions Permitted in Qirad

USC-MSA web (English) reference : Book 32, Hadith 4

Yahya said that Malik spoke about an investor who made a qirad loan and stipulated to the agent that only certain goods should be bought with his money or he forbade certain goods which he named to be bought. He said, "There is no harm in an investor making a condition on an agent in qirad not to buy a certain kind of animal or goods which he specifies. It is disapproved of for an investor to make as a condition on an agent in qirad that he only buy certain goods unless the goods which he orders him to buy are in plentiful supply and do not fail either in winter or summer. There is no harm in that case."

Malik spoke about an investor who loaned qirad money and stipulated that something of the profit should be his alone without the agent sharing in it. He said, "That is not good, even if it is only one dirham unless he stipulates that half the profit is his and half the profit is the agent's or a third or a fourth or whatever. When he names a percentage, whether great or small, everything specified by that is halal. This is the qirad of the muslims."
He said, "It is also not good if the investor stipulates that one dirham or more of the profit is purely his, with out the agent sharing it and then what remains of the profit is to be divided in half between them. That is not the qirad of the Muslims."

USC-MSA web (English) reference : Book 32, Hadith 5

Yahya said that Malik said, "The person who puts up the principal must not stipulate that he has something of the profit alone without the agent sharing in it, nor must the agent stipulate that he has something of the profit alone

without the investor sharing. In qirad, there is no sale, no rent, no work, no advance, and no convenience which one party specifies to himself without the other party sharing unless one party allows it to the other unconditionally as a favour and that is alright to both. Neither of the parties should make a condition over the other which increases him in gold or silver or food over the other party."

He said, "If any of that enters the qirad, it becomes hire, and hire is only good with known and fixed terms. The agent should not stipulate when he takes the principal that he repay or commission anyone with the goods, nor that he take any of them for himself. When there is a profit, and it is time to separate the capital, then they divide the profit according to the terms of the contract. If the principal does not increase or there is a loss, the agent does not have to make up for what he spent on himself or for the loss. That falls to the investor from the principal. Qirad is permitted upon whatever terms the investor and the agent make a mutual agreement, of half the profit, or a third or a fourth or whatever."

Malik said, "It is not permitted for the agent to stipulate that he use the qirad money for a certain number of years and that it not be taken from him during that time."

He said, "It is not good for the investor to stipulate that the qirad money should not be returned for a certain number of years which are specified, because the qirad is not for a term. The investor loans it to an agent to use for him. If it seems proper to either of them to abandon the project and the money is coin, and nothing has been bought with it, it can be abandoned, and the investor takes his money back. If it seems proper to the investor to take the qirad loan back after goods have been purchased with it, he cannot do so until the buyer has sold the goods and they have become money. If it seems proper to the agent to return the loan, and it has been turned to goods he cannot do so until he has sold them. He returns the loan in cash as he took it."

Malik said, "It is not good for the investor to stipulate that the agent pay any zakat due from his portion of the profit in particular, because the investor by stipulating that, stipulates fixed increase for himself from the profit because the portion of zakat he would be liable for by his portion of the profit, is removed from him.

"It is not permitted for the investor to stipulate to the agent to only buy from so-and-so, referring to a specific man. That is not permitted because by doing so he would become his hireling for a wage."

Malik spoke about an investor in qirad who stipulated a guarantee for an amount of money from the agent, "The investor is not permitted to stipulate conditions about his principal other than the conditions on which qirad is based or according to the precedent of the sunna of the Muslims. If the principal is increased by the condition of guarantee, the investor has increased his share of the profit because of the position of the guarantee. But the profit is only to be divided according to what it would have been had the loan been given without the guarantee. If the principal is destroyed, I do not think that the agent has a guarantee held against him because the stipulation of guarantees in qirad is null and void."

Malik spoke about an investor who gave qirad money to a man and the man stipulated that he would only buy palms or animals with it because he sought to eat the dates or the offspring of the animals and he kept them for some time to use for himself. He said, "That is not permitted. It is not the sunna of the Muslims in qirad unless he buys it and then sells it as other goods are sold."

Malik said, "There is no harm in the agent stipulating on the investor a slave to help him provided that the slave stands to gain along with him out of the investment, and when the slave only helps him with the investment, not with anything else."

USC-MSA web (English) reference : Book 32, Hadith 6

Yahya said that Malik said, "No one should make a qirad loan except in coin, because the loan must not be in wares, since loaning wares can only be worked in one of two ways:

Either the owner of the wares says to the borrower, 'Take these wares and sell them. Buy and sell with the capital realized according to qirad.' The investor stipulates increase for himself from the sale of his goods and what relieves him of expenses in selling it. Or else he says, 'Barter with these goods and sell. When you are through, buy for me the

like of my goods which I gave you. If there is increase, it is between you and me. 'It may happen that the investor gives the goods to the agent at a time in which they are in demand and expensive, and then the agent returns them while they are cheap and he might have bought them for only a third of the original price or even less than that. The agent then has a profit of half the amount by which the price of the wares has decreased as his portion of the profit. Or he might take the wares at a time when their price is low, and make use of them until he has a lot of money. Then those wares become expensive and their price rises when he returns them, so he buys them for all that he has so that all his work and concern have been in vain. This is an uncertain transaction and is not good. If, however, that is not known until it has happened, then the wage an agent in qirad would be paid for selling that, is looked at and he is given it for his concern. Then the money is qirad from the day the money became cash and collected as coin and it is returned as a qirad like that."

USC-MSA web (English) reference : Book 32, Hadith 7

Yahya said that Malik spoke about a man who made a qirad loan to a man and he bought wares with it and transported them to a commercial centre. It was not profitable to sell them and the agent feared a loss if he sold them, so he hired transport to take them to another city, and he sold them there and made a loss, and the cost of the hire was greater than the principal.

Malik said, "If the agent can pay the cost of the hire from what the capital realized, his way is that. Whatever portion of the hire is not covered by the principal, the agent must pay it. The investor is not answerable for any of it. That is because the investor only ordered him to trade with the principal. The investor is not answerable for other than the principal. Had the investor been liable, it would have been an additional loss to him on top of the principal which he invested. The agent cannot put that on to the investor."

USC-MSA web (English) reference : Book 32, Hadith 8

Yahya said that Malik spoke about an investor who made a qirad loan to a man, who used it and made a profit. Then the man bought with all the profit a slave-girl and he had intercourse with her and she became pregnant by him, and so the capital decreased. Malik said, "If he has money, the price of the slave-girl is taken from his property, and the capital is restored by it. If there is something left over after the money is paid, it is divided between them according to the first qirad. If he cannot pay it, the slave-girl is sold so that the capital is restored from her price."

Malik spoke about an investor who made a qirad loan to a man, and the agent spent more than the amount of the qirad loan when buying goods with it and paid the increase from his own money. Malik said, "The investor has a choice if the goods are sold for a profit or loss or if they are not sold. If he wishes to take the goods, he takes them and pays the agent back what he put in for them. If the agent refuses, the investor is a partner for his share of the price in increase and decrease according to what the agent paid extra for them from himself."
Malik spoke about an agent who took qirad money from a man and then gave it to another man to use as a qirad without the consent of the investor. He said, "The agent is responsible for the property. If it is decreased, he is responsible for the loss. If there is profit, the investor has his stipulation of the profit, and then the agent has his stipulation of what remains of the money."
Malik spoke about an agent who exceeded and borrowed some of what he had of qirad in money and he bought goods for himself with it. Malik said, "If he has a profit, the profit is divided according to the condition between them in the qirad. If he has a loss, he is responsible for the loss."
Malik said about an investor who paid qirad money to a man, and the agent borrowed some of the cash and bought goods for himself with it, "The investor of the capital has a choice. If he wishes, he shares with him in the goods according to the qirad, and if he wishes, he frees himself of them, and takes all of the principal back from the agent. That is what is done with some one who oversteps."

USC-MSA web (English) reference : Book 32, Hadith 9

Yahya said that Malik spoke about an investor who made a qirad loan to a man.

He said, "When the investment is large, the travelling expenses of the agent are taken from it. He can use it to eat and clothe himself in an acceptable fashion according to the size of the investment. If it saves him trouble, he can take a wage from some of the capital, if it is large, and he cannot support himself. There are certain jobs which an agent or his like are not responsible for, amongst them are collecting debts, transporting the goods, loading up and so forth. He can hire from the capital someone to do that for him. The agent should not spend from the capital nor clothe himself from it while he resides with his family. It is only permitted for him to have expenses when he travels for the investment. The expenses are taken from the capital. If he is only trading with the property in the city in which he resides, he has no expenses from the capital and no clothing."
Malik spoke about an investor who paid qirad money to a man, and the agent went out with it and with his own capital. He said, "The expenses come from the qirad and from his own capital according to their proportions."

USC-MSA web (English) reference : Book 32, Hadith 10

Yahya said that Malik spoke about an agent who had qirad money with him and he spent from it and clothed himself. He said, "He cannot give away any of it, and neither a beggar nor anyone else is to be given any of it and he does not pay anyone compensation from it. If he meets some people, and they bring out food and he brings out food, I hope that that will be permitted to him if he does not intend to bestow something on them. If he intends that or what is like that without the permission of the investor, he must get the sanction of the investor for it. If he sanctions it, there is no harm. If he refuses to sanction it, he must repay it with like if he has something which is suitable as compensation."

USC-MSA web (English) reference : Book 32, Hadith 11

Yahya said that Malik said, "The generally agreed on way of doing things among us about an investor who pays qirad money to an agent to buy goods, and the agent then sells the goods for a price to be paid later, and has a profit in the transaction, then the agent dies before he has received payment, is that if his heirs want to take that money, they have their father's stipulated portion from the profit. That is theirs if they are trustworthy to take the payment. If they dislike to collect it from the debtor and they refer him to the investor, they are not obliged to collect it and there is nothing against them and nothing for them by their surrendering it to the investor. If they do collect it, they have a share of it and expenses like their father had. They are in the position of their father. If they are not trustworthy to do so, they can bring someone reliable and trustworthy to collect the money. If he collects all the capital and all the profit, they are in the position of their father."

Malik spoke about an investor who paid qirad money to a man provided that he used it and was responsible for any delayed payment for which he sold it. He said, "This is obligatory on the agent. If he sells it for delayed payment, he is responsible for it."

USC-MSA web (English) reference : Book 32, Hadith 12

Yahya said that Malik spoke about an investor who gave qirad money to a man, and then the man sought a loan from the investor or the investor borrowed money from the agent, or the investor left goods with the agent to sell for him, or the investor gave the agent dinars to buy goods with. Malik said, "There is no harm if the investor leaves his goods with him knowing that if the agent did not have his money and he had asked a similar thing of him, he would have still done it because of the brotherhood between them or because it would have been no bother to him and that had the agent refused that, he would not have removed his capital from him. Or if the agent had borrowed from the investor or carried his goods for him and he knew that if the investor had not had his capital with him, he would have still done the same for him, and had he refused that to him, he would not have returned his capital to him. If that is true between both of them and it is in the way of a favour between them and it is not a condition in the terms of the qirad, it is permitted and there is no harm in it. If a condition comes into it, or it is feared that the agent is only

doing it for the investor in order to safeguard the capital in his possession, or the investor is only doing it because the agent has taken his capital and will not return it to him, that is not permitted in qirad and it is part of what the people of knowledge forbid.' "

USC-MSA web (English) reference : Book 32, Hadith 13

Yahya said that Malik spoke about a man who loaned another man money and then the debtor asked him to leave it with him as a qirad. Malik said, "I do not like that unless he takes his money back from him, and then pays it to him as a qirad if he wishes or if he wishes keep it."

Malik spoke about an investor who paid a man qirad money and the man told him that it was collected with him and asked him to write it for him as a loan. He said, "I do not like that unless he takes his money from him and then lends it to him or keeps it as he wishes. That is only out of fear that he has lost some of it, and wants to defer it so that he can make up what has been lost of it. That is disapproved of and is not permitted and it is not good."

USC-MSA web (English) reference : Book 32, Hadith 14

Yahya said that Malik spoke about an investor paying qirad money to an agent who made a profit and then wanted to take his share of the profit and the investor was away. He said, "He should not take any of it unless the investor is present. If he takes something from it, he is responsible for it until it is accounted for in the division of the capital."

Malik said, "It is not permitted for the parties involved in a qirad to account and divide property which is away from them until the capital is present, and the investor is given the principal in full. Then they divide the profit into their agreed portions."
Malik spoke about a man taking qirad money, and buying goods with it while he had a debt. His creditors sought and found him while he was in a city away from the investor, and he had profitable merchandise whose good quality was clear. They wanted him to sell the merchandise for them so that they could take his share of the profit. Malik said, "None of the profit of the qirad is taken until the investor is present. He takes his principal and then the profit is divided mutually between them."
Malik spoke about an investor who put qirad money with an agent and he used it and had a profit. Then the principal was set aside and the profit divided. He took his share and added the share of the investor to his principal in the presence of witnesses he had called. Malik said, "It is not permitted to divide the profit unless the investor is present. If he has taken something here turns it until the investor has received the principal in full. Then what remains is divided into their respective portions."
Malik spoke about an investor who put qirad money with an agent. The agent used it and then came to the investor and said, "This is your portion of the profit, and I have taken the like of it for myself, and I have retained your principal in full." Malik said, "I do not like that, unless all the capital is present, the principal is there and he knows that it is complete and he receives it. Then they divide the profit between them. He returns the principal to him if he wishes, or he keeps it. The presence of the principal is necessary out of fear that the agent might have lost some of it, and so may want it not to be removed from him and to keep it in his hand."

USC-MSA web (English) reference : Book 32, Hadith 15

Yahya said that Malik spoke about an investor who put qirad money with an agent who bought goods with it, and the investor told him to sell them. The agent said that he did not see any way to sell at that time and they quarrelled about it. He said, "One does not look at the statement of either of them. The people of experience and insight concerning such goods are asked about these goods. If they can see anyway of selling them they are sold for them. If they think it is time to wait, they should wait."

Malik spoke about a man who took qirad money from an investor and used it and when the investor asked him for his money, he said that he had it in full. When he held him to his settlement he admitted that "Such-and-such of it

was lost with me," and he named an amount of money. "I told you that so that you would leave it with me." Malik said, "He does not benefit by denying it after he had confirmed that he had it all . He is answerable by his confession against himself unless he produces evidence about the loss of that property which confirms his statement. If he does not produce an acceptable reason he is answerable by his confession, and his denial does not avail him."

Malik said, "Similarly, had he said, 'I have had such-and-such a profit from the capital,' and then the owner of the capital asked him to pay him the principal and his profit, and he said that he had not had any profit in it and had said that only so it might be left in his possession, it does not benefit him. He is taken to account for what he affirmed unless he brings acceptable proof of his word, so that the first statement is not binding on him."

Malik spoke about an investor who put qirad money with an agent who made a profit with it. The agent said, "I took the qirad from you provided that I would have two-thirds." The owner of the capital says, "I gave you a qirad provided that you had a third." Malik said, "The word is the word of the agent, and he must take an oath on that if what he says resembles the known practice of qirad or is close to it. If he brings a matter which is unacceptable and people do not make qirads like that, he is not believed, and it is judged to be according to how a qirad like it would normally be."

Malik spoke about a man who gave a man one hundred dinars as a qirad. He bought goods with it and then went to pay the one hundred dinars to the owner of the goods and found that they had been stolen. The investor says, "Sell the goods. If there is anything over, it is mine. If there is a loss, it is against you because you lost it." The agent says, "Rather you must fulfil what the seller is owed. I bought them with your capital which you gave me." Malik said, "The agent is obliged to pay the price to the seller and the investor is told, 'If you wish, pay the hundred dinars to the agent and the goods are between you. The qirad is according to what the first hundred was based on. If you wish, you are free of the goods.' If the hundred dinars are paid to the agent, it is a qirad according to the conditions of the first qirad. If he refuses, the goods belong to the agent and he must pay their price."

Malik spoke about two people in a qirad who settled up and the agent still had some of the goods which he used - threadbare cloth or a waterskin or the like of that. Malik said, "Any of that which is insignificant is of no importance and belongs to the agent. I have not heard anyone give a decision calling for the return of that. Anything which has a price is returned. If it is something which has value like an animal, camel, coarse cloth or the like of that which fetches a price, I think that he should return what he has remaining of such things unless the owner overlooks it."

USC-MSA web (English) reference : Book 32, Hadith 16

33 - Sharecropping كتاب المساقاة

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, said to the jews of Khaybar on the day of the conquest of Khaybar, "I confirm you in it as long as Allah, the Mighty, the Majestic, establishes you in it, provided that the fruits are divided between us and you." Said continued, "The Messenger of Allah, may Allah bless him and grant him peace, used to send Abdullah ibn Rawaha, to assess the division of the fruit crop between him and them, and he would say, 'If you wish, you can buy it back, and if you wish, it is mine.' They would take it."

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ لِيَهُودِ خَيْبَرَ يَوْمَ افْتَتَحَ خَيْبَرَ " أُقِرُّكُمْ فِيهَا مَا أَقَرَّكُمُ اللَّهُ عَزَّ وَجَلَّ عَلَى أَنَّ الثَّمَرَ بَيْنَنَا وَبَيْنَكُمْ " . قَالَ فَكَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَبْعَثُ عَبْدَ اللَّهِ بْنَ رَوَاحَةَ فَيَخْرُصُ بَيْنَهُ وَبَيْنَهُمْ ثُمَّ يَقُولُ إِنْ شِئْتُمْ فَلَكُمْ وَإِنْ شِئْتُمْ فَلِيَ . فَكَانُوا يَأْخُذُونَهُ .

USC-MSA web (English) reference : Book 33, Hadith 1
Arabic reference : Book 33, Hadith 1391

Malik related to me from Ibn Shihab from Sulayman ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, used to send Abdullah ibn Rawaha to Khaybar, to assess the division of the fruit crop between him and the jews of Khaybar.

The jews collected for Abdullah pieces of their women's jewellery and said to him, "This is yours. Go light on us and don't be exact in the division!"

Abdullah ibn Rawaha said, "O tribe of jews! By Allah! You are among the most hateful to me of Allah's creation, but it does not prompt me to deal unjustly with you. What you have offered as a bribe is forbidden. We will not touch it." They said, "This is what supports the heavens and the earth."

Malik said, "If a share-cropper waters the palms and between them there is some uncultivated land, whatever he cultivates in the uncultivated land is his."

Malik said, "If the owner of the land makes a condition that he will cultivate the uncultivated land for himself, that is not good because the sharecropper does the watering for the owner of the land and so he increases the owner of the land in property (without any return for himself)."

Malik said, "If the owner stipulates that the fruit crop is to be shared between them, there is no harm in that if all the maintenance of the property - seeding, watering and case, etc. - are the concern of the sharecropper.

If the share-cropper stipulates that the seeds are the responsibility of the owner of the property - that is not permitted because he has stipulated an outlay against the owner of the property. Share-cropping is conducted on the basis that all the care and expense is outlayed by the share-cropper, and the owner of the property is not obliged anything. This is the accepted method of share-cropping."

Malik spoke about a spring which was shared between two men, and then the water dried up and one of them wanted to work on the spring and the other said, "I don't have the means to work on it." He said, "Tell the one who wants to work on the spring, 'Work and expend. All the water will be yours. You will have its water until your companion brings you half of what you have spent. If he brings you half of what you have spent, he can take his share of the water.' The first one is given all the water, because he has spent on it, and if he does not reach anything by his work, the other has not incurred any expense."

Malik said, "It is not good for a share-cropper not to expend anything but his labour and to be hired for a share of the fruit while all the expense and work is incurred by the owner of the garden, because the share-cropper does not know what the exact wage is going to be for his labour, whether it will be little or great."

Malik said, "No-one who lends a qirad or grants a share-cropping contract, should exempt some of the wealth, or some of the trees from his agent, because, by that, the agent becomes his hired man. He says, 'I will grant you a share-crop provided that you work for me on such- and-such a palm - water it and tend it. I will give you a qirad for such-and-such money provided that you work for me with ten dinars. They are not part of the qirad I have given you.' That must not be done and it is not good. This is what is done in our community."
Malik said, "The sunna about what is permitted to an owner of a garden in share-cropping is that he can stipulate to the share-cropper the maintenance of walls, cleaning the spring, sweeping the irrigation canals, pollinating the palms, pruning branches, harvesting the fruit and such things, provided that the share-cropper has a share of the fruit fixed by mutual agreement. However, the owner cannot stipulate the beginning of new work which the agent will start digging a well, raising the source of a well, instigating new planting, or building a cistern whose cost is great. That is as if the owner of the garden said to a certain man, 'Build me a house here or dig me a well or make a spring flow for me or do some work for me for half the fruit of this garden of mine,' before the fruit of the garden is sound and it is halal to sell it. This is the sale of fruit before its good condition is clear. The Messenger of Allah, may Allah bless him and grant him peace, forbade fruit to be sold before its good condition became clear."
Malik said, "If the fruits are good and their good condition is clear and selling them is halal and then the owner asks a man to do one of those jobs for him, specifying the job, for half the fruit of his garden, for example, there is no harm in that. He has hired the man for something recognised and known. The man has seen it and is satisfied with it.
"As for share-cropping, if the garden has no fruit or little or bad fruit, he has only that. The labourer is only hired for a set amount, and hire is only permitted on these terms. Hire is a type of sale. One man buys another man's work from him. It is not good if uncertainty enters into it because the Messenger of Allah, may Allah bless him and grant him peace, forbade uncertain transactions."
Malik said, "The sunna in share- cropping with us is that it can be practised with any kind of fruit tree, palm, vine, olive tree, pomegranate, peach, and soon. It is permitted, and there is no harm in it provided that the owner of the property has a share of the fruit:
a half or a third or a quarter or whatever."

Malik said, "Share-cropping is also permitted in any crop which emerges from the earth if it is a crop which is picked, and its owner cannot water, work on it and tend it.
"Share- cropping becomes reprehensible in anything in which share-cropping is normally permitted if the fruit is sound and the good condition is clear and it is halal to sell it. He must share-crop in it the next year. If a man waters fruit whose good condition is clear and it is halal to sell it, and he picks it for the owner, for a share of the crop, it is not sharecropping. It is similar to him being paid in dirhams and dinars. Share-cropping is what is between pruning the palms and when the fruit becomes sound and its sale is halal."
Malik said, "If some one makes a share-cropping contract for fruit trees before the condition becomes clear and its sale is halal, it is share-cropping and is permitted . "
Malik said, "Uncultivated land must not be involved in a share-cropping contract. That is because it is halal for the owner to rent it for dinars and dirhams or the equivalent for an accepted price."
Malik said, "As for a man who gives his uncultivated earth for a third or a fourth of what comes out of it, that is an uncertain transaction because crops may be scant one time and plentiful another time. It may perish completely and the owner of the land will have abandoned a set rent which would have been good for him to rent the land for. He takes an uncertain situation, and does not know whether or not it will be satisfactory. This is disapproved. It is like a man having someone travel for him for a set amount, and then saying, 'Shall I give you a tenth of the profit of the journey as your wage?' This is not halal and must not be done."
Malik summed up,"A man must not hire out himself or his land or his ship unless for a set amount."
Malik said, "A distinction is made between sharecropping in palms and in cultivated land because the owner of the palms cannot sell the fruit until its good condition is clear. The owner of the land can rent it when it is uncultivated with nothing on it."

Malik said, "What is done in our community about palms is that they can also be share-cropped for three and four years, and less or more than that."

Malik said, "That is what I have heard. Any fruit trees like that are in the position of palms. Contracts for several years are permissible for the sharecropper as they are permissible in the palms."

Malik said about the owner, "He does not take anything additional from the share-cropper in the way of gold or silver or crops which increases him. That is not good. The share-cropper also must not take from the owner of the garden anything additional which will increase him of gold, silver, crops or anything. Increase beyond what is stipulated in the contract is not good. It is also not good for the lender of a qirad to be in this position. If such an increase does enter share- cropping or quirad, it becomes by it hire. It is not good when hire enters it. Hire must never occur in a situation which has uncertainty in it."

Malik spoke about a man who gave land to another man in a share-cropping contract in which there were palms, vines, or the like of that of fruit trees and there was also uncultivated land in it. He said, "If the uncultivated land is secondary to the fruit trees, either in importance or in size of land, there is no harm in share-cropping. That is if the palms take up two-thirds of the land or more, and the uncultivated land is a third or less. This is because when the land that the fruit trees take up is secondary to the uncultivated land and the cultivated land in which the palms, vines or the like is a third or less, and the uncultivated land is two-thirds or more, it is permitted to rent the land and share-cropping in it is haram."

"One of the practices of people is to give out sharecropping contracts on property with fruit trees when there is uncultivated land in it, and to rent land while there are fruit trees on it, just as a Qur'an or sword which has some embellishment on it of silver is sold for silver, or a necklace or ring which have stones and gold in them are sold for dinars. These sales continue to be permitted. People buy and sell by them. Nothing described or instituted has come on that which if exceeded, makes it haram, and if fallen below makes it halal. What is done in our community about that is what people practise and permit among themselves. That is, if the gold or silver is secondary to what it is incorporated in, it is permitted to sell it. That is, if the value of the blade, the Qur'an, or the stones is two-thirds or more, and the value of the decoration is one-third or less."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَبْعَثُ عَبْدَ اللَّهِ بْنَ رَوَاحَةَ إِلَى خَيْبَرَ فَيَخْرُصُ بَيْنَهُ وَبَيْنَ يَهُودِ خَيْبَرَ - قَالَ - فَجَمَعُوا لَهُ حَلْيًا مِنْ حَلْىِ نِسَائِهِمْ فَقَالُوا لَهُ هَذَا لَكَ وَخَفِّفْ عَنَّا وَتَجَاوَزْ فِي الْقَسْمِ . فَقَالَ عَبْدُ اللَّهِ بْنُ رَوَاحَةَ يَا مَعْشَرَ الْيَهُودِ وَاللَّهِ إِنَّكُمْ لَمِنْ أَبْغَضِ خَلْقِ اللَّهِ إِلَىَّ وَمَا ذَاكَ بِحَامِلِي عَلَى أَنْ أَحِيفَ عَلَيْكُمْ فَأَمَّا مَا عَرَضْتُمْ مِنَ الرُّشْوَةِ فَإِنَّهَا سُحْتٌ وَإِنَّا لاَ نَأْكُلُهَا . فَقَالُوا بِهَذَا قَامَتِ السَّمَوَاتُ وَالأَرْضُ . قَالَ مَالِكٌ إِذَا سَاقَى الرَّجُلُ النَّخْلَ وَفِيهَا الْبَيَاضُ فَمَا ازْدَرَعَ الرَّجُلُ الدَّاخِلُ فِي الْبَيَاضِ فَهُوَ لَهُ . قَالَ وَإِنِ اشْتَرَطَ صَاحِبُ الأَرْضِ أَنَّهُ يَزْرَعُ فِي الْبَيَاضِ لِنَفْسِهِ فَذَلِكَ لاَ يَصْلُحُ لأَنَّ الرَّجُلَ الدَّاخِلَ فِي الْمَالِ يَسْقِي لِرَبِّ الأَرْضِ فَذَلِكَ زِيَادَةٌ ازْدَادَهَا عَلَيْهِ . قَالَ وَإِنِ اشْتَرَطَ الزَّرْعَ بَيْنَهُمَا فَلاَ بَأْسَ بِذَلِكَ إِذَا كَانَتِ الْمَئُونَةُ كُلُّهَا عَلَى الدَّاخِلِ فِي الْمَالِ الْبَذْرُ وَالسَّقْىُ وَالْعِلاَجُ كُلُّهُ فَإِنِ اشْتَرَطَ الدَّاخِلُ فِي الْمَالِ عَلَى رَبِّ الْمَالِ أَنَّ الْبَذْرَ عَلَيْكَ كَانَ ذَلِكَ غَيْرَ جَائِزٍ لأَنَّهُ قَدِ اشْتَرَطَ عَلَى رَبِّ الْمَالِ زِيَادَةً ازْدَادَهَا عَلَيْهِ وَإِنَّمَا تَكُونُ الْمُسَاقَاةُ عَلَى أَنَّ عَلَى الدَّاخِلِ فِي الْمَالِ الْمَئُونَةَ كُلَّهَا وَالنَّفَقَةَ وَلاَ يَكُونُ عَلَى رَبِّ الْمَالِ مِنْهَا شَىْءٌ فَهَذَا وَجْهُ الْمُسَاقَاةِ الْمَعْرُوفُ . قَالَ مَالِكٌ فِي الْعَيْنِ تَكُونُ بَيْنَ الرَّجُلَيْنِ فَيَنْقَطِعُ مَاؤُهَا فَيُرِيدُ أَحَدُهُمَا أَنْ يَعْمَلَ فِي الْعَيْنِ وَيَقُولُ الآخَرُ لاَ أَجِدُ مَا أَعْمَلُ بِهِ إِنَّهُ يُقَالُ لِلَّذِي يُرِيدُ أَنْ يَعْمَلَ فِي الْعَيْنِ اعْمَلْ وَأَنْفِقْ وَيَكُونُ لَكَ الْمَاءُ كُلُّهُ تَسْقِي بِهِ حَتَّى يَأْتِيَ صَاحِبُكَ بِنِصْفِ مَا أَنْفَقْتَ فَإِذَا جَاءَ بِنِصْفِ مَا أَنْفَقْتَ أَخَذَ حِصَّتَهُ مِنَ الْمَاءِ . وَإِنَّمَا أُعْطِيَ الأَوَّلُ الْمَاءَ كُلَّهُ لأَنَّهُ أَنْفَقَ وَلَوْ لَمْ يُدْرِكْ شَيْئًا بِعَمَلِهِ لَمْ يَعْلَقِ الآخَرَ مِنَ النَّفَقَةِ شَىْءٌ . قَالَ مَالِكٌ وَإِذَا كَانَتِ النَّفَقَةُ كُلُّهَا وَالْمَئُونَةُ عَلَى رَبِّ الْحَائِطِ وَلَمْ يَكُنْ عَلَى الدَّاخِلِ فِي الْمَالِ شَىْءٌ إِلاَّ أَنَّهُ يَعْمَلُ بِيَدِهِ إِنَّمَا هُوَ أَجِيرٌ بِبَعْضِ

الثَّمَرِ فَإِنَّ ذَلِكَ لاَ يَصْلُحُ لأَنَّهُ لاَ يَدْرِي كَمْ إِجَارَتُهُ إِذَا لَمْ يُسَمِّ لَهُ شَيْئًا يَعْرِفُهُ وَيَعْمَلُ عَلَيْهِ لاَ يَدْرِي أَيَقِلُّ ذَلِكَ أَمْ يَكْثُرُ . قَالَ مَالِكٌ وَكُلُّ مُقَارِضٍ أَوْ مُسَاقٍ فَلاَ يَنْبَغِي لَهُ أَنْ يَسْتَثْنِيَ مِنَ الْمَالِ وَلاَ مِنَ النَّخْلِ شَيْئًا دُونَ صَاحِبِهِ وَذَلِكَ أَنَّهُ يَصِيرُ لَهُ أَجِيرًا بِذَلِكَ يَقُولُ أُسَاقِيكَ عَلَى أَنْ تَعْمَلَ لِي فِي كَذَا وَكَذَا نَخْلَةً تَسْقِيهَا وَتَأْبُرُهَا وَأُقَارِضُكَ فِي كَذَا وَكَذَا مِنَ الْمَالِ عَلَى أَنْ تَعْمَلَ لِي بِعَشَرَةِ دَنَانِيرَ لَيْسَتْ مِمَّا أُقَارِضُكَ عَلَيْهِ فَإِنَّ ذَلِكَ لاَ يَنْبَغِي وَلاَ يَصْلُحُ وَذَلِكَ الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ وَالسُّنَّةُ فِي الْمُسَاقَاةِ الَّتِي يَجُوزُ لِرَبِّ الْحَائِطِ أَنْ يَشْتَرِطَهَا عَلَى الْمُسَاقَى شَدُّ الْحِظَارِ وَخَمُّ الْعَيْنِ وَسَرْوُ الشَّرَبِ وَإِبَّارُ النَّخْلِ وَقَطْعُ الْجَرِيدِ وَجَذُّ الثَّمَرِ هَذَا وَأَشْبَاهُهُ عَلَى أَنَّ لِلْمُسَاقَى شَطْرَ الثَّمَرِ أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ إِذَا تَرَاضَيَا عَلَيْهِ غَيْرَ أَنَّ صَاحِبَ الأَصْلِ لاَ يَشْتَرِطُ ابْتِدَاءَ عَمَلٍ جَدِيدٍ يُحْدِثُهُ الْعَامِلُ فِيهَا مِنْ بِئْرٍ يَحْتَفِرُهَا أَوْ عَيْنٍ يَرْفَعُ رَأْسَهَا أَوْ غِرَاسٍ يَغْرِسُهُ فِيهَا يَأْتِي بِأَصْلِ ذَلِكَ مِنْ عِنْدِهِ أَوْ ضَفِيرَةٍ يَبْنِيهَا تَعْظُمُ فِيهَا نَفَقَتُهُ وَإِنَّمَا ذَلِكَ بِمَنْزِلَةِ أَنْ يَقُولَ رَبُّ الْحَائِطِ لِرَجُلٍ مِنَ النَّاسِ ابْنِ لِي هَا هُنَا بَيْتًا أَوِ احْفُرْ لِي بِئْرًا أَوْ أَجْرِ لِي عَيْنًا أَوِ اعْمَلْ لِي عَمَلاً بِنِصْفِ ثَمَرِ حَائِطِي هَذَا قَبْلَ أَنْ يَطِيبَ ثَمَرُ الْحَائِطِ وَيَحِلَّ بَيْعُهُ فَهَذَا بَيْعُ الثَّمَرِ قَبْلَ أَنْ يَبْدُوَ صَلاَحُهُ وَقَدْ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ بَيْعِ الثِّمَارِ حَتَّى يَبْدُوَ صَلاَحُهَا . قَالَ مَالِكٌ فَأَمَّا إِذَا طَابَ الثَّمَرُ وَبَدَا صَلاَحُهُ وَحَلَّ بَيْعُهُ ثُمَّ قَالَ رَجُلٌ لِرَجُلٍ اعْمَلْ لِي بَعْضَ هَذِهِ الأَعْمَالِ - لِعَمَلٍ يُسَمِّيهِ لَهُ - بِنِصْفِ ثَمَرِ حَائِطِي هَذَا فَلاَ بَأْسَ بِذَلِكَ إِنَّمَا اسْتَأْجَرَهُ بِشَىْءٍ مَعْرُوفٍ مَعْلُومٍ قَدْ رَآهُ وَرَضِيَهُ فَأَمَّا الْمُسَاقَاةُ فَإِنَّهُ إِنْ لَمْ يَكُنْ لِلْحَائِطِ ثَمَرٌ أَوْ قَلَّ ثَمَرُهُ أَوْ فَسَدَ فَلَيْسَ لَهُ إِلاَّ ذَلِكَ وَأَنَّ الأَجِيرَ لاَ يُسْتَأْجَرُ إِلاَّ بِشَىْءٍ مُسَمًّى لاَ تَجُوزُ الإِجَارَةُ إِلاَّ بِذَلِكَ وَإِنَّمَا الإِجَارَةُ بَيْعٌ مِنَ الْبُيُوعِ إِنَّمَا يَشْتَرِي مِنْهُ عَمَلَهُ وَلاَ يَصْلُحُ ذَلِكَ إِذَا دَخَلَهُ الْغَرَرُ لأَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعِ الْغَرَرِ . قَالَ مَالِكٌ السُّنَّةُ فِي الْمُسَاقَاةِ عِنْدَنَا أَنَّهَا تَكُونُ فِي أَصْلِ كُلِّ نَخْلٍ أَوْ كَرْمٍ أَوْ زَيْتُونٍ أَوْ رُمَّانٍ أَوْ فِرْسِكٍ أَوْ مَا أَشْبَهَ ذَلِكَ مِنَ الأُصُولِ جَائِزٌ لاَ بَأْسَ بِهِ عَلَى أَنَّ لِرَبِّ الْمَالِ نِصْفَ الثَّمَرِ مِنْ ذَلِكَ أَوْ ثُلُثَهُ أَوْ رُبُعَهُ أَوْ أَكْثَرَ مِنْ ذَلِكَ أَوْ أَقَلَّ . قَالَ مَالِكٌ وَالْمُسَاقَاةُ أَيْضًا تَجُوزُ فِي الزَّرْعِ إِذَا خَرَجَ وَاسْتَقَلَّ فَعَجَزَ صَاحِبُهُ عَنْ سَقْيِهِ وَعَمَلِهِ وَعِلاَجِهِ فَالْمُسَاقَاةُ فِي ذَلِكَ أَيْضًا جَائِزَةٌ . قَالَ مَالِكٌ لاَ تَصْلُحُ الْمُسَاقَاةُ فِي شَىْءٍ مِنَ الأُصُولِ مِمَّا تَحِلُّ فِيهِ الْمُسَاقَاةُ إِذَا كَانَ فِيهِ ثَمَرٌ قَدْ طَابَ وَبَدَا صَلاَحُهُ وَحَلَّ بَيْعُهُ وَإِنَّمَا يَنْبَغِي أَنْ يُسَاقَى مِنَ الْعَامِ الْمُقْبِلِ وَإِنَّمَا مُسَاقَاةُ مَا حَلَّ بَيْعُهُ مِنَ الثِّمَارِ إِجَارَةٌ لأَنَّهُ إِنَّمَا سَاقَى صَاحِبَ الأَصْلِ ثَمَرًا قَدْ بَدَا صَلاَحُهُ عَلَى أَنْ يَكْفِيَهُ إِيَّاهُ وَيَجُذَّهُ لَهُ بِمَنْزِلَةِ الدَّنَانِيرِ وَالدَّرَاهِمِ يُعْطِيهِ إِيَّاهَا وَلَيْسَ ذَلِكَ بِالْمُسَاقَاةِ إِنَّمَا الْمُسَاقَاةُ مَا بَيْنَ أَنْ يَجُذَّ النَّخْلَ إِلَى أَنْ يَطِيبَ الثَّمَرُ وَيَحِلَّ بَيْعُهُ . قَالَ مَالِكٌ وَمَنْ سَاقَى ثَمَرًا فِي أَصْلٍ قَبْلَ أَنْ يَبْدُوَ صَلاَحُهُ وَيَحِلَّ بَيْعُهُ فَتِلْكَ الْمُسَاقَاةُ بِعَيْنِهَا جَائِزَةٌ . قَالَ مَالِكٌ وَلاَ يَنْبَغِي أَنْ تُسَاقَى الأَرْضُ الْبَيْضَاءُ وَذَلِكَ أَنَّهُ يَحِلُّ لِصَاحِبِهَا كِرَاؤُهَا بِالدَّنَانِيرِ وَالدَّرَاهِمِ وَمَا أَشْبَهَ ذَلِكَ مِنَ الأَثْمَانِ الْمَعْلُومَةِ . قَالَ فَأَمَّا الرَّجُلُ الَّذِي يُعْطِي أَرْضَهُ الْبَيْضَاءَ بِالثُّلُثِ أَوِ الرُّبُعِ مِمَّا يَخْرُجُ مِنْهَا فَذَلِكَ مِمَّا يَدْخُلُهُ الْغَرَرُ لأَنَّ الزَّرْعَ يَقِلُّ مَرَّةً وَيَكْثُرُ مَرَّةً وَرُبَّمَا هَلَكَ رَأْسًا فَيَكُونُ صَاحِبُ الأَرْضِ قَدْ تَرَكَ كِرَاءً مَعْلُومًا يَصْلُحُ لَهُ أَنْ يُكْرِيَ أَرْضَهُ بِهِ وَأَخَذَ أَمْرًا غَرَرًا لاَ يَدْرِي أَيَتِمُّ أَمْ لاَ فَهَذَا مَكْرُوهٌ وَإِنَّمَا ذَلِكَ مَثَلُ رَجُلٍ اسْتَأْجَرَ أَجِيرًا لِسَفَرٍ بِشَىْءٍ مَعْلُومٍ ثُمَّ قَالَ الَّذِي اسْتَأْجَرَ الأَجِيرَ هَلْ لَكَ أَنْ أُعْطِيَكَ عُشْرَ مَا أَرْبَحُ فِي سَفَرِي هَذَا إِجَارَةً لَكَ فَهَذَا لاَ يَحِلُّ وَلاَ يَنْبَغِي . قَالَ مَالِكٌ وَلاَ يَنْبَغِي لِرَجُلٍ أَنْ يُؤَاجِرَ نَفْسَهُ وَلاَ أَرْضَهُ وَلاَ سَفِينَتَهُ إِلاَّ بِشَىْءٍ مَعْلُومٍ لاَ يَزُولُ إِلَى غَيْرِهِ . قَالَ مَالِكٌ وَإِنَّمَا فَرَّقَ بَيْنَ الْمُسَاقَاةِ فِي النَّخْلِ وَالأَرْضِ الْبَيْضَاءِ أَنَّ صَاحِبَ النَّخْلِ لاَ يَقْدِرُ عَلَى أَنْ يَبِيعَ ثَمَرَهَا حَتَّى يَبْدُوَ صَلاَحُهُ وَصَاحِبُ الأَرْضِ

يُكْرِيهَا وَهِيَ أَرْضٌ بَيْضَاءُ لاَ شَىْءَ فِيهَا . قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا فِي النَّخْلِ أَيْضًا إِنَّهَا تُسَاقِي السِّنِينَ الثَّلاَثَ وَالأَرْبَعَ وَأَقَلَّ مِنْ ذَلِكَ وَأَكْثَرَ . قَالَ وَذَلِكَ الَّذِي سَمِعْتُ وَكُلُّ شَىْءٍ مِثْلُ ذَلِكَ مِنَ الأُصُولِ بِمَنْزِلَةِ النَّخْلِ يَجُوزُ فِيهِ لِمَنْ سَاقَى مِنَ السِّنِينَ مِثْلُ مَا يَجُوزُ فِي النَّخْلِ . قَالَ مَالِكٌ فِي الْمُسَاقِي إِنَّهُ لاَ يَأْخُذُ مِنْ صَاحِبِهِ الَّذِي سَاقَاهُ شَيْئًا مِنْ ذَهَبٍ وَلاَ وَرِقٍ يَزْدَادُهُ وَلاَ طَعَامٍ وَلاَ شَيْئًا مِنَ الأَشْيَاءِ لاَ يَصْلُحُ ذَلِكَ وَلاَ يَنْبَغِي أَنْ يَأْخُذَ الْمُسَاقَى مِنْ رَبِّ الْحَائِطِ شَيْئًا يَزِيدُهُ إِيَّاهُ مِنْ ذَهَبٍ وَلاَ وَرِقٍ وَلاَ طَعَامٍ وَلاَ شَىْءٍ مِنَ الأَشْيَاءِ وَالزِّيَادَةُ فِيمَا بَيْنَهُمَا لاَ تَصْلُحُ . قَالَ مَالِكٌ وَالْمُقَارِضُ أَيْضًا بِهَذِهِ الْمَنْزِلَةِ لاَ يَصْلُحُ إِذَا دَخَلَتِ الزِّيَادَةُ فِي الْمُسَاقَاةِ أَوِ الْمُقَارَضَةِ صَارَتْ إِجَارَةً وَمَا دَخَلَتْهُ الإِجَارَةُ فَإِنَّهُ لاَ يَصْلُحُ وَلاَ يَنْبَغِي أَنْ تَقَعَ الإِجَارَةُ بِأَمْرٍ غَرَرٍ لاَ يَدْرِي أَيَكُونُ أَمْ لاَ يَكُونُ أَوْ يَقِلُّ أَوْ يَكْثُرُ . قَالَ مَالِكٌ فِي الرَّجُلِ يُسَاقِي الرَّجُلَ الأَرْضَ فِيهَا النَّخْلُ وَالْكَرْمُ أَوْ مَا أَشْبَهَ ذَلِكَ مِنَ الأُصُولِ فَيَكُونُ فِيهَا الأَرْضُ الْبَيْضَاءُ . قَالَ مَالِكٌ إِذَا كَانَ الْبَيَاضُ تَبَعًا لِلأَصْلِ وَكَانَ الأَصْلُ أَعْظَمَ ذَلِكَ أَوْ أَكْثَرَهُ فَلاَ بَأْسَ بِمُسَاقَاتِهِ وَذَلِكَ أَنْ يَكُونَ النَّخْلُ الثُّلُثَيْنِ أَوْ أَكْثَرَ وَيَكُونَ الْبَيَاضُ الثُّلُثَ أَوْ أَقَلَّ مِنْ ذَلِكَ وَذَلِكَ أَنَّ الْبَيَاضَ حِينَئِذٍ تَبَعٌ لِلأَصْلِ وَإِذَا كَانَتِ الأَرْضُ الْبَيْضَاءُ فِيهَا نَخْلٌ أَوْ كَرْمٌ أَوْ مَا يُشْبِهُ ذَلِكَ مِنَ الأُصُولِ فَكَانَ الأَصْلُ الثُّلُثَ أَوْ أَقَلَّ وَالْبَيَاضُ الثُّلُثَيْنِ أَوْ أَكْثَرَ جَازَ فِي ذَلِكَ الْكِرَاءُ وَحَرُمَتْ فِيهِ الْمُسَاقَاةُ وَذَلِكَ أَنَّ مِنْ أَمْرِ النَّاسِ أَنْ يُسَاقُوا الأَصْلَ وَفِيهِ الْبَيَاضُ وَتُكْرَى الأَرْضُ وَفِيهَا الشَّىْءُ الْيَسِيرُ مِنَ الأَصْلِ أَوْ يُبَاعَ الْمُصْحَفُ أَوِ السَّيْفُ وَفِيهِمَا الْحِلْيَةُ مِنَ الْوَرِقِ بِالْوَرِقِ أَوِ الْقِلاَدَةُ أَوِ الْخَاتَمُ وَفِيهِمَا الْفُصُوصُ وَالذَّهَبُ بِالدَّنَانِيرِ وَلَمْ تَزَلْ هَذِهِ الْبُيُوعُ جَائِزَةً يَتَبَايَعُهَا النَّاسُ وَيَبْتَاعُونَهَا وَلَمْ يَأْتِ فِي ذَلِكَ شَىْءٌ مَوْصُوفٌ مَوْقُوفٌ عَلَيْهِ إِذَا هُوَ بَلَغَهُ كَانَ حَرَامًا أَوْ قَصُرَ عَنْهُ كَانَ حَلاَلاً . وَالأَمْرُ فِي ذَلِكَ عِنْدَنَا الَّذِي عَمِلَ بِهِ النَّاسُ وَأَجَازُوهُ بَيْنَهُمْ أَنَّهُ إِذَا كَانَ الشَّىْءُ مِنْ ذَلِكَ الْوَرِقِ أَوِ الذَّهَبِ تَبَعًا لِمَا هُوَ فِيهِ جَازَ بَيْعُهُ وَذَلِكَ أَنْ يَكُونَ النَّصْلُ أَوِ الْمُصْحَفُ أَوِ الْفُصُوصُ قِيمَتُهُ الثُّلُثَانِ أَوْ أَكْثَرُ وَالْحِلْيَةُ قِيمَتُهَا الثُّلُثُ أَوْ أَقَلُّ .

USC-MSA web (English) reference : Book 33, Hadith 2
Arabic reference : Book 33, Hadith 1392

Yahya said that Malik said, "The best of what has been heard about a sharecropper stipulating on the owner of the property the inclusion of some slave workers, is that there is no harm in that if they are workers that come with the property. They are like the property. There is no profit in them for the share-cropper except to lighten some of his burden. If they did not come with the property, his toil would be harder. It is like share-cropping land with a spring or land with a watering trough. You will not find anyone who receives the same share for share-cropping two lands which are equal in property and yield, when one property has a constant plentiful spring and the other has a watering trough, because of the lightness of working land with a spring, and the hardship of working land with a watering trough."

Malik added, "That is what is done in our community."
Malik said, "A share-cropper cannot employ workers from the property in other work, and he cannot make that a stipulation with the one who gives him the share-cropping contract. Nor is it permitted to one who share-crops to stipulate on the owner of the property inclusion of slaves for use in the garden who are not in it when he makes the share-cropping contract."
"Nor must the owner of the property stipulate on the one who uses his property for share-cropping that he take any of the slaves of the property and remove him from the property. The share-cropping of property is based on the state which it is currently in."
"If the owner of the property wants to remove one of the slaves of the property, he removes him before the share-cropping, or if he wants to put someone into the property, he does it before the share-cropping. Then he grants the

share-cropping contract after that if he wishes. If any of the slaves die or go off or become ill, the owner of the property must replace them."

قَالَ يَحْيَى قَالَ مَالِكٌ إِنَّ أَحْسَنَ مَا سُمِعَ فِي عُمَّالِ الرَّقِيقِ فِي الْمُسَاقَاةِ يَشْتَرِطُهُمُ الْمُسَاقَى عَلَى صَاحِبِ الأَصْلِ إِنَّهُ لاَ بَأْسَ بِذَلِكَ لأَنَّهُمْ عُمَّالُ الْمَالِ فَهُمْ بِمَنْزِلَةِ الْمَالِ لاَ مَنْفَعَةَ فِيهِمْ لِلدَّاخِلِ إِلاَّ أَنَّهُ تَخِفُّ عَنْهُ بِهِمُ الْمَئُونَةُ وَإِنْ لَمْ يَكُونُوا فِي الْمَالِ اشْتَدَّتْ مَئُونَتُهُ وَإِنَّمَا ذَلِكَ بِمَنْزِلَةِ الْمُسَاقَاةِ فِي الْعَيْنِ وَالنَّضْحِ وَلَنْ تَجِدَ أَحَدًا يُسَاقَى فِي أَرْضَيْنِ سَوَاءٍ فِي الأَصْلِ وَالْمَنْفَعَةِ إِحْدَاهُمَا بِعَيْنٍ وَاثِنَةٍ غَزِيرَةٍ وَالأُخْرَى بِنَضْحٍ عَلَى شَىْءٍ وَاحِدٍ لِخِفَّةِ مُؤْنَةِ الْعَيْنِ وَشِدَّةِ مُؤْنَةِ النَّضْحِ . قَالَ وَعَلَى ذَلِكَ الأَمْرُ عِنْدَنَا . قَالَ وَالْوَاثِنَةُ الثَّابِتُ مَاؤُهَا الَّتِي لاَ تَغُورُ وَلاَ تَنْقَطِعُ . قَالَ مَالِكٌ وَلَيْسَ لِلْمُسَاقَى أَنْ يَعْمَلَ بِعُمَّالِ الْمَالِ فِي غَيْرِهِ وَلاَ أَنْ يَشْتَرِطَ ذَلِكَ عَلَى الَّذِي سَاقَاهُ . قَالَ مَالِكٌ وَلاَ يَجُوزُ لِلَّذِي سَاقَى أَنْ يَشْتَرِطَ عَلَى رَبِّ الْمَالِ رَقِيقًا يَعْمَلُ بِهِمْ فِي الْحَائِطِ لَيْسُوا فِيهِ حِينَ سَاقَاهُ إِيَّاهُ . قَالَ مَالِكٌ وَلاَ يَنْبَغِي لِرَبِّ الْمَالِ أَنْ يَشْتَرِطَ عَلَى الَّذِي دَخَلَ فِي مَالِهِ بِمُسَاقَاةٍ أَنْ يَأْخُذَ مِنْ رَقِيقِ الْمَالِ أَحَدًا يُخْرِجُهُ مِنَ الْمَالِ وَإِنَّمَا مُسَاقَاةُ الْمَالِ عَلَى حَالِهِ الَّذِي هُوَ عَلَيْهِ . قَالَ فَإِنْ كَانَ صَاحِبُ الْمَالِ يُرِيدُ أَنْ يُخْرِجَ مِنْ رَقِيقِ الْمَالِ أَحَدًا فَلْيُخْرِجْهُ قَبْلَ الْمُسَاقَاةِ أَوْ يُرِيدُ أَنْ يُدْخِلَ فِيهِ أَحَدًا فَلْيَفْعَلْ ذَلِكَ قَبْلَ الْمُسَاقَاةِ ثُمَّ لْيُسَاقِ بَعْدَ ذَلِكَ إِنْ شَاءَ . قَالَ وَمَنْ مَاتَ مِنَ الرَّقِيقِ أَوْ غَابَ أَوْ مَرِضَ فَعَلَى رَبِّ الْمَالِ أَنْ يُخْلِفَهُ .

USC-MSA web (English) reference : Book 33, Hadith 3
Arabic reference : Book 33, Hadith 1392

34 - Renting Land كتاب كراء الأرض

Yahya related to me from Malik from Rabia ibn Abd ar-Rahman from Handhala ibn Qays az-Zuraqi from Rafi ibn Khadij that the Messenger of Allah, may Allah bless him and grant him peace, forbade renting out fields. Handhala said, "I asked Rafi ibn Khadij, about paying in gold and silver, and he said, 'There is no harm in it.' "

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ الزُّرَقِيِّ، عَنْ رَافِعِ بْنِ خَدِيجٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ كِرَاءِ الْمَزَارِعِ قَالَ حَنْظَلَةُ فَسَأَلْتُ رَافِعَ بْنَ خَدِيجٍ بِالذَّهَبِ وَالْوَرِقِ فَقَالَ أَمَّا بِالذَّهَبِ وَالْوَرِقِ فَلاَ بَأْسَ بِهِ ‏.‏

USC-MSA web (English) reference : Book 34, Hadith 1
Arabic reference : Book 34, Hadith 1393

Malik related to me that Ibn Shihab said, "I asked Said ibn al- Musayyab about renting land for gold or silver, and he said, 'There is no harm in it.' "

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ سَأَلْتُ سَعِيدَ بْنَ الْمُسَيَّبِ عَنْ كِرَاءِ الأَرْضِ، بِالذَّهَبِ وَالْوَرِقِ فَقَالَ لاَ بَأْسَ بِهِ ‏.‏

USC-MSA web (English) reference : Book 34, Hadith 2
Arabic reference : Book 34, Hadith 1394

Malik related to me from Ibn Shihab that he asked Salim ibn 'Abdullah ibn Umar about renting out fields. He said, "There is no harm in it for gold or silver." Ibn Shihab said, "I said to him, 'What do you think of the hadith which is mentioned from Rafi ibn Khadij?'" He said, "Rafi has exaggerated. If I had a field, I would rent it out."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ سَأَلَ سَالِمَ بْنَ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ كِرَاءِ الْمَزَارِعِ، فَقَالَ لاَ بَأْسَ بِهَا بِالذَّهَبِ وَالْوَرِقِ ‏.‏ قَالَ ابْنُ شِهَابٍ فَقُلْتُ لَهُ أَرَأَيْتَ الْحَدِيثَ الَّذِي يُذْكَرُ عَنْ رَافِعِ بْنِ خَدِيجٍ فَقَالَ أَكْثَرَ رَافِعٌ وَلَوْ كَانَ لِي مَزْرَعَةٌ أَكْرَيْتُهَا ‏.‏

USC-MSA web (English) reference : Book 34, Hadith 3
Arabic reference : Book 34, Hadith 1395

Malik related to me that he had heard that Abd ar-Rahman ibn Awf rented land, and he continued to have it in his possession until he died. His son said, "I thought that it was ours because of the length of time which it had remained in his hands, until he mentioned it to us at his death. He ordered us to pay some rent which he owed in gold or silver."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ، تَكَارَى أَرْضًا فَلَمْ تَزَلْ فِي يَدَيْهِ بِكِرَاءٍ حَتَّى مَاتَ قَالَ ابْنُهُ فَمَا كُنْتُ أُرَاهَا إِلاَّ لَنَا مِنْ طُولِ مَا مَكَثَتْ فِي يَدَيْهِ حَتَّى ذَكَرَهَا لَنَا عِنْدَ مَوْتِهِ فَأَمَرَنَا بِقَضَاءِ شَىْءٍ كَانَ عَلَيْهِ مِنْ كِرَائِهَا ذَهَبٍ أَوْ وَرِقٍ ‏.‏

USC-MSA web (English) reference : Book 34, Hadith 41
Arabic reference : Book 34, Hadith 1396

Malik related to me from Hisham ibn Urwa that his father used to rent out his land for gold and silver.

Malik was asked about a man who rented his field for 100 sa of dates or part of its produce of wheat or from other than its produce. He disapproved of that.

وَحَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يُكْرِي أَرْضَهُ بِالذَّهَبِ وَالْوَرِقِ . وَسُئِلَ مَالِكٌ عَنْ رَجُلٍ أَكْرَى مَزْرَعَتَهُ بِمِائَةِ صَاعٍ مِنْ تَمْرٍ أَوْ مِمَّا يَخْرُجُ مِنْهَا مِنَ الْحِنْطَةِ أَوْ مِنْ غَيْرِ مَا يَخْرُجُ مِنْهَا فَكَرِهَ ذَلِكَ .

USC-MSA web (English) reference : Book 34, Hadith 5
Arabic reference : Book 34, Hadith 1397

35 - Pre-emption in Property كتاب الشفعة

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab and from Abu Salama ibn Abd ar-Rahman ibn Awf that the Messenger of Allah, may Allah bless him and grant him peace, decreed for partners the right of preemption in property which had not been divided up. When boundaries had been fixed between them, then there was no right of pre-emption.

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَعَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَضَى بِالشُّفْعَةِ فِيمَا لَمْ يُقْسَمْ بَيْنَ الشُّرَكَاءِ فَإِذَا وَقَعَتِ الْحُدُودُ بَيْنَهُمْ فَلاَ شُفْعَةَ فِيهِ .

USC-MSA web (English) reference : Book 35, Hadith 1
Arabic reference : Book 35, Hadith 1398

Malik said, "That is the sunna about which there is no dispute among us."

USC-MSA web (English) reference : Book 35, Hadith 1

Malik said that he heard that Said ibn al-Musayyab, when asked about pre-emption and whether there was a sunna in it, said, "Yes. Pre-emption is in houses and land, and it is only between partners."

قَالَ مَالِكٌ إِنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ سُئِلَ عَنِ الشُّفْعَةِ هَلْ فِيهَا مِنْ سُنَّةٍ فَقَالَ نَعَمْ الشُّفْعَةُ فِي الدُّورِ وَالأَرَضِينَ وَلاَ تَكُونُ إِلاَّ بَيْنَ الشُّرَكَاءِ .

USC-MSA web (English) reference : Book 35, Hadith 2
Arabic reference : Book 35, Hadith 1399

Malik related to me that he heard the like of that from Sulayman ibn Yasar.

Malik spoke about a man who bought out one of the partners in a shared property, by paying the man with an animal, a slave, a slave-girl, or the equivalent of that in goods. Then another partner decided to exercise his right of pre-emption after that, and he found that the slave or slave-girl had died, and no one knew what her value had been. The buyer claimed, "The value of the slave or slave-girl was 100 dinars." The partner with the right of pre-emption claimed, "The value was 50 dinars."
Malik said, "The buyer takes an oath that the value of what he payed was 100 dinars. Then if the one with the right of pre-emption wishes, he can compensate him, or else he can leave it, unless he can bring a clear proof that the slave or slave-girl's value is less than what the buyer said. If someone gives away his portion of a shared house or land and the recipient repays him for it by cash or goods, the partners can take it by pre-emption if they wish and pay off the recipient the value of what he gave in dinars or dirhams. If someone makes a gift of his portion of a shared house or land, and does not take any remuneration and does not seek to, and a partner wants to take it for its value, he cannot do so as long as the original partner has not been given recompense for it. If there is any recompense, the one with the right of pre-emption can have it for the price of the recompense."
Malik spoke about a man who bought into a piece of shared land for a price on credit, and one of the partners wanted to possess it by right of pre-emption . Malik said, "If it seems likely that the partner can meet the terms, he has right of pre-emption for the same credit terms. If it is feared that he will not be able to meet the terms, but he can bring a wealthy and reliable guarantor of equal standing to the one who bought into the land, he can also take possession."

Malik said, "A person's absence does not sever his right of pre-emption. Even if he is a way for a long time, there is no time limit after which the right of preemption is cut off."

Malik said that if a man left land to a number of his children, then one of them who had a child died and the child of the deceased sold his right in that land, the brother of the seller was more entitled to pre-empt him than his paternal uncles, the partners of his father.

Malik said, "This is what is done in our community."

Malik said, "Pre- emption is shared between partners according to their existing shares. Each of them takes according to his portion. If it is small, he has little. If it is great, it is according to that. That is if they are tenacious and contend with each other about it."

Malik said, "As for a man who buys out the share of one of his partners, and one of the other partners says, 'I will take a portion according to my share,' and the first partner says, 'If you wish to take all the preemption, I will give it up to you. If you wish to leave it, then leave it.' If the first partner gives him the choice and hands it over to him, the second partner can only take all the pre-emption or give it back. If he takes it, he is entitled to it. If not, he has nothing."

Malik spoke about a man who bought land, and developed it by planting trees or digging a well etc., and then someone came, and seeing that he had a right in the land, wanted to take possession of it by pre-emption. Malik said "He has no right of preemption unless he compensates the other for his expenditure. If he gives him the price of what he has developed, he is entitled to pre- emption . If not, he has no right in it."

Malik said that someone who sold off his portion of a shared house or land and then, on learning that some one with a right of pre-emption was to take possession by that right, asked the buyer to revoke the sale, and he did so, did not have the right to do that. The pre-emptor has more right to the property for the price for which he sold it.

In the case of some one who bought along with a section of a shared house or land, an animal and goods (that were not shared), so that when any one demanded his right of pre-emption in the house or land he said, "Take what I have bought altogether, for I bought it altogether," Malik said, "The pre-emptor need only take possession of the house or land. Each thing the man bought is assessed according to its share of the lump sum the man paid. Then the pre-emptor takes possession of his right for a price which is appropriate on that basis. He does not take any animals or goods unless he wants to do that."

Malik said, "If someone sells a section of shared land, and one of those who have the right of preemption surrenders it to the buyer and another refuses to do other than take his pre-emption, the one who refuses to surrender has to take all the preemption, and he cannot take according to his right and leave what remains.

In the case where one of a number of partners in one house sold his share when all his partners were away except for one man, the one present was given the choice of either taking the pre-emption or leaving it, and he said, 'I will take my portion and leave the portions of my partners until they are present. If they take it, that is that. If they leave it, I will take all the pre-emption,' Malik said, 'He can only take it all or leave it. If his partners come, they can take from him or leave it as they wish. If this is offered to him and he does not accept, I think that he has no pre-emption.' "

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، مِثْلُ ذَلِكَ . قَالَ مَالِكٌ فِي رَجُلٍ اشْتَرَى شِقْصًا مَعَ قَوْمٍ فِي أَرْضٍ بِحَيَوَانٍ عَبْدٍ أَوْ وَلِيدَةٍ أَوْ مَا أَشْبَهَ ذَلِكَ مِنَ الْعُرُوضِ فَجَاءَ الشَّرِيكُ يَأْخُذُ بِشُفْعَتِهِ بَعْدَ ذَلِكَ فَوَجَدَ الْعَبْدَ أَوِ الْوَلِيدَةَ قَدْ هَلَكَا وَلَمْ يَعْلَمْ أَحَدٌ قَدْرَ قِيمَتِهِمَا فَيَقُولُ الْمُشْتَرِي قِيمَةُ الْعَبْدِ أَوِ الْوَلِيدَةِ مِائَةُ دِينَارٍ وَيَقُولُ صَاحِبُ الشُّفْعَةِ الشَّرِيكُ بَلْ قِيمَتُهُمَا خَمْسُونَ دِينَارًا . قَالَ مَالِكٌ يَحْلِفُ الْمُشْتَرِي أَنَّ قِيمَةَ مَا اشْتَرَى بِهِ مِائَةُ دِينَارٍ ثُمَّ إِنْ شَاءَ أَنْ يَأْخُذَ صَاحِبُ الشُّفْعَةِ أَخَذَ أَوْ يَتْرُكَ إِلاَّ أَنْ يَأْتِيَ الشَّفِيعُ بِبَيِّنَةٍ أَنَّ قِيمَةَ الْعَبْدِ أَوِ الْوَلِيدَةِ دُونَ مَا قَالَ الْمُشْتَرِي . قَالَ مَالِكٌ مَنْ وَهَبَ شِقْصًا فِي دَارٍ أَوْ أَرْضٍ مُشْتَرَكَةٍ فَأَثَابَهُ الْمَوْهُوبُ لَهُ بِهَا نَقْدًا أَوْ عَرْضًا فَإِنَّ الشُّرَكَاءَ يَأْخُذُونَهَا بِالشُّفْعَةِ إِنْ شَاءُوا وَيَدْفَعُونَ إِلَى الْمَوْهُوبِ لَهُ قِيمَةَ مَثُوبَتِهِ دَنَانِيرَ أَوْ دَرَاهِمَ . قَالَ مَالِكٌ مَنْ وَهَبَ هِبَةً فِي دَارٍ أَوْ أَرْضٍ مُشْتَرَكَةٍ فَلَمْ يُثَبْ مِنْهَا وَلَمْ يَطْلُبْهَا فَأَرَادَ شَرِيكُهُ أَنْ يَأْخُذَهَا بِقِيمَتِهَا فَلَيْسَ ذَلِكَ لَهُ مَا لَمْ يُثَبْ عَلَيْهَا

فَإِنْ أُثِيبَ فَهُوَ لِلشَّفِيعِ بِقِيمَةِ الثَّوَابِ . قَالَ مَالِكٌ فِي رَجُلٍ اشْتَرَى شِقْصًا فِي أَرْضٍ مُشْتَرَكَةٍ بِثَمَنٍ إِلَى أَجَلٍ فَأَرَادَ الشَّرِيكُ أَنْ يَأْخُذَهَا بِالشُّفْعَةِ . قَالَ مَالِكٌ إِنْ كَانَ مَلِيًّا فَلَهُ الشُّفْعَةُ بِذَلِكَ الثَّمَنِ إِلَى ذَلِكَ الأَجَلِ وَإِنْ كَانَ مَخُوفًا أَنْ لاَ يُؤَدِّيَ الثَّمَنَ إِلَى ذَلِكَ الأَجَلِ فَإِذَا جَاءَهُمْ بِحَمِيلٍ مَلِيٍّ ثِقَةٍ مِثْلِ الَّذِي اشْتَرَى مِنْهُ الشِّقْصَ فِي الأَرْضِ الْمُشْتَرَكَةِ فَذَلِكَ لَهُ . قَالَ مَالِكٌ لاَ تَقْطَعُ شُفْعَةَ الْغَائِبِ غَيْبَتُهُ وَإِنْ طَالَتْ غَيْبَتُهُ وَلَيْسَ لِذَلِكَ عِنْدَنَا حَدٌّ تُقْطَعُ إِلَيْهِ الشُّفْعَةُ . قَالَ مَالِكٌ فِي الرَّجُلِ يُوَرِّثُ الأَرْضَ نَفَرًا مِنْ وَلَدِهِ ثُمَّ يُولَدُ لأَحَدِ النَّفَرِ ثُمَّ يَهْلِكُ الأَبُ فَيَبِيعُ أَحَدُ وَلَدِ الْمَيِّتِ حَقَّهُ فِي تِلْكَ الأَرْضِ فَإِنَّ أَخَا الْبَائِعِ أَحَقُّ بِشُفْعَتِهِ مِنْ عُمُومَتِهِ شُرَكَاءِ أَبِيهِ . قَالَ مَالِكٌ وَهَذَا الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ الشُّفْعَةُ بَيْنَ الشُّرَكَاءِ عَلَى قَدْرِ حِصَصِهِمْ يَأْخُذُ كُلُّ إِنْسَانٍ مِنْهُمْ بِقَدْرِ نَصِيبِهِ إِنْ كَانَ قَلِيلاً فَقَلِيلاً وَإِنْ كَانَ كَثِيرًا فَبِقَدْرِهِ وَذَلِكَ إِنْ تَشَاحُّوا فِيهَا . قَالَ مَالِكٌ فَأَمَّا أَنْ يَشْتَرِيَ رَجُلٌ مِنْ رَجُلٍ مِنْ شُرَكَائِهِ حَقَّهُ فَيَقُولُ أَحَدُ الشُّرَكَاءِ أَنَا آخُذُ مِنَ الشُّفْعَةِ بِقَدْرِ حِصَّتِي . وَيَقُولُ الْمُشْتَرِي إِنْ شِئْتَ أَنْ تَأْخُذَ الشُّفْعَةَ كُلَّهَا أَسْلَمْتُهَا إِلَيْكَ وَإِنْ شِئْتَ أَنْ تَدَعَ فَدَعْ فَإِنَّ الْمُشْتَرِيَ إِذَا خَيَّرَهُ فِي هَذَا وَأَسْلَمَهُ إِلَيْهِ فَلَيْسَ لِلشَّفِيعِ إِلاَّ أَنْ يَأْخُذَ الشُّفْعَةَ كُلَّهَا أَوْ يُسْلِمَهَا إِلَيْهِ فَإِنْ أَخَذَهَا فَهُوَ أَحَقُّ بِهَا وَإِلاَّ فَلاَ شَىْءَ لَهُ . قَالَ مَالِكٌ فِي الرَّجُلِ يَشْتَرِي الأَرْضَ فَيَعْمُرُهَا بِالأَصْلِ يَضَعُهُ فِيهَا أَوِ الْبِئْرِ يَحْفِرُهَا ثُمَّ يَأْتِي رَجُلٌ فَيُدْرِكُ فِيهَا حَقًّا فَيُرِيدُ أَنْ يَأْخُذَهَا بِالشُّفْعَةِ إِنَّهُ لاَ شُفْعَةَ لَهُ فِيهَا إِلاَّ أَنْ يُعْطِيَهُ قِيمَةَ مَا عَمَرَ فَإِنْ أَعْطَاهُ قِيمَةَ مَا عَمَرَ كَانَ أَحَقَّ بِالشُّفْعَةِ وَإِلاَّ فَلاَ حَقَّ لَهُ فِيهَا . قَالَ مَالِكٌ مَنْ بَاعَ حِصَّتَهُ مِنْ أَرْضٍ أَوْ دَارٍ مُشْتَرَكَةٍ فَلَمَّا عَلِمَ أَنَّ صَاحِبَ الشُّفْعَةِ يَأْخُذُ بِالشُّفْعَةِ اسْتَقَالَ الْمُشْتَرِي فَأَقَالَهُ . قَالَ لَيْسَ ذَلِكَ لَهُ وَالشَّفِيعُ أَحَقُّ بِهَا بِالثَّمَنِ الَّذِي كَانَ بَاعَهَا بِهِ . قَالَ مَالِكٌ مَنِ اشْتَرَى شِقْصًا فِي دَارٍ أَوْ أَرْضٍ وَحَيَوَانًا وَعُرُوضًا فِي صَفْقَةٍ وَاحِدَةٍ فَطَلَبَ الشَّفِيعُ شُفْعَتَهُ فِي الدَّارِ أَوِ الأَرْضِ فَقَالَ الْمُشْتَرِي خُذْ مَا اشْتَرَيْتُ جَمِيعًا فَإِنِّي إِنَّمَا اشْتَرَيْتُهُ جَمِيعًا . قَالَ مَالِكٌ بَلْ يَأْخُذُ الشَّفِيعُ شُفْعَتَهُ فِي الدَّارِ أَوِ الأَرْضِ بِحِصَّتِهَا مِنْ ذَلِكَ الثَّمَنِ يُقَامُ كُلُّ شَىْءٍ اشْتَرَاهُ مِنْ ذَلِكَ عَلَى حِدَتِهِ عَلَى الثَّمَنِ الَّذِي اشْتَرَاهُ بِهِ ثُمَّ يَأْخُذُ الشَّفِيعُ شُفْعَتَهُ بِالَّذِي يُصِيبُهَا مِنَ الْقِيمَةِ مِنْ رَأْسِ الثَّمَنِ وَلاَ يَأْخُذُ مِنَ الْحَيَوَانِ وَالْعُرُوضِ شَيْئًا إِلاَّ أَنْ يَشَاءَ ذَلِكَ . قَالَ مَالِكٌ وَمَنْ بَاعَ شِقْصًا مِنْ أَرْضٍ مُشْتَرَكَةٍ فَسَلَّمَ بَعْضُ مَنْ لَهُ فِيهَا الشُّفْعَةُ لِلْبَائِعِ وَأَبَى بَعْضُهُمْ إِلاَّ أَنْ يَأْخُذَ بِشُفْعَتِهِ إِنَّ مَنْ أَبَى أَنْ يُسَلِّمَ يَأْخُذُ بِالشُّفْعَةِ كُلِّهَا وَلَيْسَ لَهُ أَنْ يَأْخُذَ بِقَدْرِ حَقِّهِ وَيَتْرُكَ مَا بَقِيَ . قَالَ مَالِكٌ فِي نَفَرٍ شُرَكَاءَ فِي دَارٍ وَاحِدَةٍ فَبَاعَ أَحَدُهُمْ حِصَّتَهُ وَشُرَكَاؤُهُ غُيَّبٌ كُلُّهُمْ إِلاَّ رَجُلاً فَعُرِضَ عَلَى الْحَاضِرِ أَنْ يَأْخُذَ بِالشُّفْعَةِ أَوْ يَتْرُكَ . فَقَالَ أَنَا آخُذُ بِحِصَّتِي وَأَتْرُكُ حِصَصَ شُرَكَائِي حَتَّى يَقْدَمُوا فَإِنْ أَخَذُوا فَذَلِكَ وَإِنْ تَرَكُوا أَخَذْتُ جَمِيعَ الشُّفْعَةِ . قَالَ مَالِكٌ لَيْسَ لَهُ إِلاَّ أَنْ يَأْخُذَ ذَلِكَ كُلَّهُ أَوْ يَتْرُكَ فَإِنْ جَاءَ شُرَكَاؤُهُ أَخَذُوا مِنْهُ أَوْ تَرَكُوا إِنْ شَاءُوا فَإِذَا عُرِضَ هَذَا عَلَيْهِ فَلَمْ يَقْبَلْهُ فَلاَ أَرَى لَهُ شُفْعَةً .

USC-MSA web (English) reference : Book 35, Hadith 3
Arabic reference : Book 35, Hadith 1400

Yahya said that Malik related from Muhammad ibn Umara from Abu Bakr ibn Hazm that Uthman ibn Affan said, "When boundaries are fixed in land, there is no pre-emption in it. There is no pre-emption in a well or in male palm trees. "

Malik said, "This is what is done in our community."
Malik said, "There is no pre-emption in a road, whether or not it is practical to divide it."
Malik said, "What is done in our community is that there is no pre- emption in the courtyard of a house, whether or not it is practical to divide it."

Malik spoke about a man who bought into a shared property provided that he had the option of withdrawal and the partners of the seller wanted to take what their partner was selling by pre-emption before the buyer had exercised his option. Malik said, "They cannot do that until the buyer has taken possession and the sale is confirmed for him. When the sale is confirmed, they have the right of pre-emption."
Malik spoke about a man who bought land and it remained in his hands for some time. Then a man came and saw that he had a share of the land by inheritance. Malik said, "If the man's right of inheritance is established, he also has a right of preemption. If the land has produced a crop, the crop belongs to the buyer until the day when the right of the other is established, because he has tended what was planted against being destroyed or being carried away by a flood."
Malik continued, "If the time has been long, or the witnesses are dead or the seller has died, or the buyer has died, or they are both alive and the basis of the sale and purchase has been forgotten because of the length of time, pre-emption is discontinued. A man only takes his right by inheritance which has been established for him. If his situation differs from this, because the sale transaction is recent and he sees that the seller has concealed the price in order to sever his right of pre- emption, the value of the land is estimated, and he buys the land for that price by his right of pre-emption. Then the buildings, plants, or structures which are extra to the land are looked at, so he is in the position of some one who bought the land for a known price, and then after that built on it and planted. The owner of pre-emption takes possession after that is included."
Malik said, "Pre-emption is applied to the property of the deceased as it is applied to the property of the living. If the family of the deceased fear to break up the property of the deceased, then they share it and sell it, and they have no pre-emption in it."
Malik said, "There is no pre- emption among us in a slave or a slave-girl or a camel, a cow, sheep, or any animal, nor in clothes or a well which does not have any uncultivated land around it. Pre-emption is in what can be usefully divided, and in land in which boundaries occur. As for what cannot be usefully divided, there is no pre-emption in it."
Malik said, "Some one who buys land in which people who are present have a right of pre-emption, refers them to the Sultan and either they claim their right or the Sultan surrenders it to him. If he were to leave them, and not refer their situation to the Sultan and they knew about his purchase, and then they left it until a long time had passed and then came demanding their pre-emption, I do not think that they would have it."
قَالَ يَحْيَى قَالَ مَالِكٌ عَنْ مُحَمَّدِ بْنِ عُمَارَةَ، عَنْ أَبِي بَكْرِ بْنِ حَزْمٍ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، قَالَ إِذَا وَقَعَتِ الْحُدُودُ فِي الأَرْضِ فَلاَ شُفْعَةَ فِيهَا وَلاَ شُفْعَةَ فِي بِئْرٍ وَلاَ فِي فَحْلِ النَّخْلِ . قَالَ مَالِكٌ وَعَلَى هَذَا الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ وَلاَ شُفْعَةَ فِي طَرِيقٍ صَلُحَ الْقَسْمُ فِيهَا أَوْ لَمْ يَصْلُحْ . قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا أَنَّهُ لاَ شُفْعَةَ فِي عَرْصَةِ دَارٍ صَلُحَ الْقَسْمُ فِيهَا أَوْ لَمْ يَصْلُحْ . قَالَ مَالِكٌ فِي رَجُلٍ اشْتَرَى شِقْصًا مِنْ أَرْضٍ مُشْتَرَكَةٍ عَلَى أَنَّهُ فِيهَا بِالْخِيَارِ فَأَرَادَ شُرَكَاءُ الْبَائِعِ أَنْ يَأْخُذُوا مَا بَاعَ شَرِيكُهُمْ بِالشُّفْعَةِ قَبْلَ أَنْ يَخْتَارَ الْمُشْتَرِا ا إِنَّ ذَلِكَ لاَ يَكُونُ لَهُمْ حَتَّى يَأْخُذَ الْمُشْتَرِي وَيَثْبُتَ لَهُ الْبَيْعُ فَإِذَا وَجَبَ لَهُ الْبَيْعُ فَلَهُمُ الشُّفْعَةُ . وَقَالَ مَالِكٌ فِي الرَّجُلِ يَشْتَرِي أَرْضًا فَتَمْكُثُ فِي يَدَيْهِ حِينًا ثُمَّ يَأْتِي رَجُلٌ فَيُدْرِكُ فِيهَا حَقًّا بِمِيرَاثٍ إِنَّ لَهُ الشُّفْعَةَ إِنْ ثَبَتَ حَقُّهُ وَإِنَّ مَا أَغَلَّتِ الأَرْضُ مِنْ غَلَّةٍ فَهِيَ لِلْمُشْتَرِي الأَوَّلِ إِلَى يَوْمِ يَثْبُتُ حَقُّ الآخَرِ لأَنَّهُ قَدْ كَانَ ضَمِنَهَا لَوْ هَلَكَ مَا كَانَ فِيهَا مِنْ غِرَاسٍ أَوْ ذَهَبَ بِهِ سَيْلٌ . قَالَ فَإِنْ طَالَ الزَّمَانُ أَوْ هَلَكَ الشُّهُودُ أَوْ مَاتَ الْبَائِعُ أَوِ الْمُشْتَرِي أَوْ هُمَا حَيَّانِ فَنُسِيَ أَصْلُ الْبَيْعِ وَالاِشْتِرَاءِ لِطُولِ الزَّمَانِ فَإِنَّ الشُّفْعَةَ تَنْقَطِعُ وَيَأْخُذُ حَقَّهُ الَّذِي ثَبَتَ لَهُ وَإِنْ كَانَ أَمْرُهُ عَلَى غَيْرِ هَذَا الْوَجْهِ فِي حَدَاثَةِ الْعَهْدِ وَقُرْبِهِ وَأَنَّهُ يَرَى أَنَّ الْبَائِعَ غَيَّبَ الثَّمَنَ وَأَخْفَاهُ لِيَقْطَعَ بِذَلِكَ حَقَّ صَاحِبِ الشُّفْعَةِ قُوِّمَتِ الأَرْضُ عَلَى قَدْرِ مَا يُرَى أَنَّهُ ثَمَنُهَا فَيَصِيرُ ثَمَنُهَا إِلَى ذَلِكَ ثُمَّ يُنْظَرُ إِلَى مَا زَادَ فِي الأَرْضِ مِنْ بِنَاءٍ أَوْ غِرَاسٍ أَوْ عِمَارَةٍ فَيَكُونُ عَلَى مَا يَكُونُ عَلَيْهِ مَنِ ابْتَاعَ الأَرْضَ بِثَمَنٍ مَعْلُومٍ ثُمَّ بَنَى فِيهَا وَغَرَسَ ثُمَّ أَخَذَهَا صَاحِبُ

الشُّفْعَةِ بَعْدَ ذَلِكَ . قَالَ مَالِكٌ وَالشُّفْعَةُ ثَابِتَةٌ فِي مَالِ الْمَيِّتِ كَمَا هِيَ فِي مَالِ الْحَىِّ فَإِنْ خَشِيَ أَهْلُ الْمَيِّتِ أَنْ يَنْكَسِرَ مَالُ الْمَيِّتِ قَسَمُوهُ ثُمَّ بَاعُوهُ فَلَيْسَ عَلَيْهِمْ فِيهِ شُفْعَةٌ . قَالَ مَالِكٌ وَلاَ شُفْعَةَ عِنْدَنَا فِي عَبْدٍ وَلاَ وَلِيدَةٍ وَلاَ بَعِيرٍ وَلاَ بَقَرَةٍ وَلاَ شَاةٍ وَلاَ فِي شَىْءٍ مِنَ الْحَيَوَانِ وَلاَ فِي ثَوْبٍ وَلاَ فِي بِئْرٍ لَيْسَ لَهَا بَيَاضٌ إِنَّمَا الشُّفْعَةُ فِيمَا يَصْلُحُ أَنَّهُ يَنْقَسِمُ وَتَقَعُ فِيهِ الْحُدُودُ مِنَ الأَرْضِ فَأَمَّا مَا لاَ يَصْلُحُ فِيهِ الْقَسْمُ فَلاَ شُفْعَةَ فِيهِ . قَالَ مَالِكٌ وَمَنِ اشْتَرَى أَرْضًا فِيهَا شُفْعَةٌ لِنَاسٍ حُضُورٍ فَلْيَرْفَعْهُمْ إِلَى السُّلْطَانِ فَإِمَّا أَنْ يَسْتَحِقُّوا وَإِمَّا أَنْ يُسَلِّمَ لَهُ السُّلْطَانُ فَإِنْ تَرَكَهُمْ فَلَمْ يَرْفَعْ أَمْرَهُمْ إِلَى السُّلْطَانِ وَقَدْ عَلِمُوا بِاشْتِرَائِهِ فَتَرَكُوا ذَلِكَ حَتَّى طَالَ زَمَانُهُ ثُمَّ جَاءُوا يَطْلُبُونَ شُفْعَتَهُمْ فَلاَ أَرَى ذَلِكَ لَهُمْ .

USC-MSA web (English) reference : Book 35, Hadith 4
Arabic reference : Book 35, Hadith 1401

36 - Judgements كتاب الأقضية

Yahya related to me from Malik from Hisham ibn Urwa from his father from Zaynab bint Abi Salama from Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said, "I am but a man to whom you bring your disputes. Perhaps one of you is more eloquent in his proof than the other, so I give judgement according to what I have heard from him. Whatever I decide for him which is part of the right of his brother, he must not take any of it, for I am granting him a portion of the Fire."

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّمَا أَنَا بَشَرٌ وَإِنَّكُمْ تَخْتَصِمُونَ إِلَىَّ فَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ أَلْحَنَ بِحُجَّتِهِ مِنْ بَعْضٍ فَأَقْضِيَ لَهُ عَلَى نَحْوِ مَا أَسْمَعُ مِنْهُ فَمَنْ قَضَيْتُ لَهُ بِشَىْءٍ مِنْ حَقِّ أَخِيهِ فَلاَ يَأْخُذَنَّ مِنْهُ شَيْئًا فَإِنَّمَا أَقْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ " .

USC-MSA web (English) reference : Book 36, Hadith 1
Arabic reference : Book 36, Hadith 1402

Malik related to me from Yahya ibn Said from Said ibn al-Musayyab that Umar ibn al-Khattab had a dispute brought to him between a muslim and a jew. Umar saw that the right belonged to the jew and decided in his favour. The jew said to him, "By Allah! You have judged correctly." So Umar ibn al-Khattab struck him with a whip and said, "How can you be sure." The jew said to him, "We find that there is no judge who judges correctly but that there is an angel on his right side and an angel on his left side who guide him and give him success in the truth as long as he is with the truth. When he leaves the truth, they rise and leave him."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، اخْتَصَمَ إِلَيْهِ مُسْلِمٌ وَيَهُودِيٌّ فَرَأَى عُمَرُ أَنَّ الْحَقَّ لِلْيَهُودِيِّ فَقَضَى لَهُ فَقَالَ لَهُ الْيَهُودِيُّ وَاللَّهِ لَقَدْ قَضَيْتَ بِالْحَقِّ . فَضَرَبَهُ عُمَرُ بْنُ الْخَطَّابِ بِالدِّرَّةِ ثُمَّ قَالَ وَمَا يُدْرِيكَ فَقَالَ لَهُ الْيَهُودِيُّ إِنَّا نَجِدُ أَنَّهُ لَيْسَ قَاضٍ يَقْضِي بِالْحَقِّ إِلاَّ كَانَ عَنْ يَمِينِهِ مَلَكٌ وَعَنْ شِمَالِهِ مَلَكٌ يُسَدِّدَانِهِ وَيُوَفِّقَانِهِ لِلْحَقِّ مَادَامَ مَعَ الْحَقِّ فَإِذَا تَرَكَ الْحَقَّ عَرَجَا وَتَرَكَاهُ .

USC-MSA web (English) reference : Book 36, Hadith 2
Arabic reference : Book 36, Hadith 1403

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from his father from Abdullah ibn Amr ibn Uthman from Abu Amra al-Ansari from Zayd ibn Khalid al-Juhani that the Messenger of Allah, may Allah bless him and grant him peace, said, "Shall I not tell you who is the best of witnesses? The one who brings his testimony before he is asked for it, or tells his testimony before he is asked for it."

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ عُثْمَانَ، عَنْ أَبِي عَمْرَةَ الأَنْصَارِيِّ، عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَلاَ أُخْبِرُكُمْ بِخَيْرِ الشُّهَدَاءِ الَّذِي يَأْتِي بِشَهَادَتِهِ قَبْلَ أَنْ يُسْأَلَهَا أَوْ يُخْبِرُ بِشَهَادَتِهِ قَبْلَ أَنْ يُسْأَلَهَا " .

USC-MSA web (English) reference : Book 36, Hadith 3
Arabic reference : Book 36, Hadith 1404

Malik related to me that Rabia ibn Abi Abd ar-Rahman said, "An Iraqi man came before Umar ibn al-Khattab and said, 'I have come to you because of a matter which has no beginning and no end.' Umar said, 'What is it?' The man said, 'False testimony has appeared in our land.' Umar said, 'Is that so?' He said, 'Yes.' Umar said, 'By Allah! A man is not detained in Islam without just witnesses.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّهُ قَالَ قَدِمَ عَلَى عُمَرَ بْنِ الْخَطَّابِ رَجُلٌ مِنْ أَهْلِ الْعِرَاقِ فَقَالَ لَقَدْ جِئْتُكَ لأَمْرٍ مَا لَهُ رَأْسٌ وَلاَ ذَنَبٌ . فَقَالَ عُمَرُ مَا هُوَ قَالَ شَهَادَاتُ الزُّورِ ظَهَرَتْ بِأَرْضِنَا . فَقَالَ عُمَرُ أَوَقَدْ كَانَ ذَلِكَ قَالَ نَعَمْ . فَقَالَ عُمَرُ وَاللَّهِ لاَ يُؤْسَرُ رَجُلٌ فِي الإِسْلاَمِ بِغَيْرِ الْعُدُولِ .

USC-MSA web (English) reference : Book 36, Hadith 4
Arabic reference : Book 36, Hadith 1405

Malik related to me that Umar ibn al-Khattab said, "The testimony of some one known to bear a grudge or to be unreliable is not accepted."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لاَ تَجُوزُ شَهَادَةُ خَصْمٍ وَلاَ ظَنِينٍ .

USC-MSA web (English) reference : Book 36, Hadith 4
Arabic reference : Book 36, Hadith 1406

Yahya said from Malik that he heard from Sulayman ibn Yasar and others that when they were asked whether the testimony of a man flogged for a hadd crime was permitted, they said, "Yes, when repentance (tawba) appears from him."

Malik related to me that he heard Ibn Shihab being asked about that and he said the like of what Sulayman ibn Yasar said.
Malik said, "That is what is done in our community. It is by the word of Allah, the Blessed, the Exalted, 'And those who accuse women who are muhsan, and then do not bring four witnesses, flog them with eighty lashes, and do not accept any testimony of theirs ever. They indeed are evil-doers, save those who turn in tawba after that and make amends. Allah is Forgiving, Merciful.' " (Sura 24 ayat 4).

قَالَ يَحْيَى عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، وَغَيْرِهِ، أَنَّهُمْ سُئِلُوا عَنْ رَجُلٍ، جُلِدَ الْحَدَّ أَتَجُوزُ شَهَادَتُهُ فَقَالُوا نَعَمْ إِذَا ظَهَرَتْ مِنْهُ التَّوْبَةُ .

USC-MSA web (English) reference : Book 36, Hadith 4
Arabic reference : Book 36, Hadith 1407

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ سَمِعَ ابْنَ شِهَابٍ، يُسْأَلُ عَنْ ذَلِكَ، فَقَالَ مِثْلَ مَا قَالَ سُلَيْمَانُ بْنُ يَسَارٍ . قَالَ مَالِكٌ وَذَلِكَ الأَمْرُ عِنْدَنَا وَذَلِكَ لِقَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى {وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلاَ تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ * إِلاَّ الَّذِينَ تَابُوا مِنْ بَعْدِ ذَلِكَ وَأَصْلَحُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ}. قَالَ مَالِكٌ فَالأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا أَنَّ الَّذِي يُجْلَدُ الْحَدَّ ثُمَّ تَابَ وَأَصْلَحَ تَجُوزُ شَهَادَتُهُ وَهُوَ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ .

Arabic reference : Book 36, Hadith 1408

Yahya said, "Malik said from Jafar ibn Muhammad from his father that the Messenger of Allah, may Allah bless him and grant him peace, pronounced judgement on the basis of an oath with one witness."

قَالَ يَحْيَى قَالَ مَالِكٌ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَضَى بِالْيَمِينِ مَعَ الشَّاهِدِ .

USC-MSA web (English) reference : Book 36, Hadith 5
Arabic reference : Book 36, Hadith 1409

From Malik from Abu'z-Zinad that Umar ibn Abd al-Aziz wrote to Abd al-Hamid ibn Abd ar-Rahman ibn Zayd ibn al-Khattab who was the governor of Kufa, "Pronounce judgement on the basis of an oath with one witness."

وَعَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ إِلَى عَبْدِ الْحَمِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ الْخَطَّابِ وَهُوَ عَامِلٌ عَلَى الْكُوفَةِ أَنِ اقْضِ بِالْيَمِينِ مَعَ الشَّاهِدِ .

USC-MSA web (English) reference : Book 36, Hadith 6
Arabic reference : Book 36, Hadith 1410

Malik related to me that he heard that Abu Salama ibn Abd ar- Rahman and Sulayman ibn Yasar were both asked, "Does one pronounce judgement on the basis of an oath with one witness?" They both said, "Yes."

Malik said, "The precedent of the sunna in judging by an oath with one witness is that if the plaintiff takes an oath with his witness, he is confirmed in his right. If he draws back and refuses to take an oath, the defendant is made to take an oath. If he takes an oath, the claim against him is dropped. If he refuses to take an oath, the claim is confirmed against him."
Malik said, "This procedure pertains to property cases in particular. It does not occur in any of the hadd-punishments, nor in marriage, divorce, freeing slaves, theft or slander. If some one says, 'Freeing slaves comes under property,' he has erred. It is not as he said. Had it been as he said, a slave could take an oath with one witness, if he could find one, that his master had freed him.
"However, when a slave lays claim to a piece of property, he can take an oath with one witness and demand his right as the freeman demands his right."
Malik said, "The sunna with us is that when a slave brings somebody who witnesses that he has been set free, his master is made to take an oath that he has not freed him, and the slave's claim is dropped."
Malik said, "The sunna about divorce is also like that with us. When a woman brings somebody who witnesses that her husband has divorced her, the husband is made to take an oath that he has not divorced her. If he takes the oath, the divorce does not proceed . "
Malik said, "There is only one sunna of bringing a witness in cases of divorce and freeing a slave. The right to make an oath only belongs to the husband of the woman, and the master of the slave. Freeing is a hadd matter, and the testimony of women is not permitted in it because when a slave is freed, his inviolability is affirmed and the hadd punishments are applied for and against him. If he commits fornication and he is a muhsan, he is stoned. If he kills a slave, he is killed for it. Inheritance is established for him, between him and whoever inherits from him. If somebody disputes this, arguing that if a man frees his slave and then a man comes to demand from the master of the slave payment of a debt, and a man and two women testify to his right, that establishes the right against the master of the slave so that his freeing him is cancelled if he only has the slave as property, inferring by this case that the testimony of women is permitted in cases of setting free. The case is not as he suggests (i.e. it is a case of property not freeing). It is like a man who frees his slave, and then the claimant of a debt comes to the master and takes an oath with one witness, demanding his right. By that, the freeing of the slave would be cancelled. Or else a man comes who has frequent dealings and transactions with the master of the slave. He claims that he is owed money by the master of the slave. Someone says to the master of the slave, 'Take an oath that you don't owe what he claims'. If he draws back and refuses to take an oath, the one making the claim takes an oath and his right against the master of the slave is confirmed. That would cancel the freeing of the slave if it is confirmed that property is owed by the master."

Malik said, "It is the same case with a man who marries a slave-girl and then the master of the slave-girl comes to the man who has married her and claims, 'You and so-and-so have bought my slave-girl from me for such an amount of dinars. The husband of the slave-girl denies that. The master of the slave-girl brings a man and two women and they testify to what he has said. The sale is confirmed and his claim is considered true. So the slave-girl is haram for her husband and they have to separate, even though the testimony of women is not accepted in divorce."
Malik said, "It is also the same case with a man who accuses a free man, so the hadd falls on him. A man and two women come and testify that the one accused is a slave. That would remove the hadd from the accused after it had befallen him, even though the testimony of women is not accepted in accusations involving hadd punishments."
Malik said, "Another similar case in which judgement appears to go against the precedent of the sunna is that two women testify that a child is born alive and so it is necessary for him to inherit if a situation arises where he is entitled to inherit, and the child's property goes to those who inherit from him, if he dies, and it is not necessary that the two women witnesses should be accompanied by a man or an oath even though it may involve vast properties of gold, silver, live-stock, gardens and slaves and other properties. However, had two women testified to one dirham or more or less than that in a property case, their testimony would not affect anything and would not be permitted unless there was a witness or an oath with them."
Malik said, "There are people who say that an oath is not acceptable with only one witness and they argue by the word of Allah the Blessed, the Exalted, and His word is the Truth, 'And call in to witness two witnesses, men; or if the two be not men, then one man and two women, such witnesses as you approve of.' (Sura 2 ayat 282). Such people argue that if he does not bring one man and two women, he has no claim and he is not allowed to take an oath with one witness."
Malik said, "Part of the proof against those who argue this, is to reply to them, 'Do you think that if a man claimed property from a man, the one claimed from would not swear that the claim was false?' If he swears, the claim against him is dropped. If he refuses to take an oath, the claimant is made to take an oath that his claim is true, and his right against his companion is established. There is no dispute about this with any of the people nor in any country. By what does he take this? In what place in the Book of Allah does he find it? So if he confirms this, let him confirm the oath with one witness, even if it is not in the Book of Allah, the Mighty, the Majestic! It is enough that this is the precedent of the sunna. However, man wants to recognise the proper course of action and the location of the proof. In this there is a clarification for what is obscure about that, if Allah ta'ala wills."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، سُئِلاَ هَلْ يُقْضَى بِالْيَمِينِ مَعَ الشَّاهِدِ فَقَالاَ نَعَمْ . قَالَ مَالِكٌ مَضَتِ السُّنَّةُ فِي الْقَضَاءِ بِالْيَمِينِ مَعَ الشَّاهِدِ الْوَاحِدِ يَحْلِفُ صَاحِبُ الْحَقِّ مَعَ شَاهِدِهِ وَيَسْتَحِقُّ حَقَّهُ فَإِنْ نَكَلَ وَأَبَى أَنْ يَحْلِفَ أُحْلِفَ الْمَطْلُوبُ فَإِنْ حَلَفَ سَقَطَ عَنْهُ ذَلِكَ الْحَقُّ وَإِنْ أَبَى أَنْ يَحْلِفَ ثَبَتَ عَلَيْهِ الْحَقُّ لِصَاحِبِهِ . قَالَ مَالِكٌ وَإِنَّمَا يَكُونُ ذَلِكَ فِي الأَمْوَالِ خَاصَّةً وَلاَ يَقَعُ ذَلِكَ فِي شَىْءٍ مِنَ الْحُدُودِ وَلاَ فِي نِكَاحٍ وَلاَ فِي طَلاَقٍ وَلاَ فِي عَتَاقَةٍ وَلاَ فِي سَرِقَةٍ وَلاَ فِي فِرْيَةٍ فَإِنْ قَالَ قَائِلٌ فَإِنَّ الْعَتَاقَةَ مِنَ الأَمْوَالِ . فَقَدْ أَخْطَأَ لَيْسَ ذَلِكَ عَلَى مَا قَالَ وَلَوْ كَانَ ذَلِكَ عَلَى مَا قَالَ لَحَلَفَ الْعَبْدُ مَعَ شَاهِدِهِ إِذَا جَاءَ بِشَاهِدٍ أَنَّ سَيِّدَهُ أَعْتَقَهُ وَأَنَّ الْعَبْدَ إِذَا جَاءَ بِشَاهِدٍ عَلَى مَالٍ مِنَ الأَمْوَالِ ادَّعَاهُ حَلَفَ مَعَ شَاهِدِهِ وَاسْتَحَقَّ حَقَّهُ كَمَا يَحْلِفُ الْحُرُّ . قَالَ مَالِكٌ فَالسُّنَّةُ عِنْدَنَا أَنَّ الْعَبْدَ إِذَا جَاءَ بِشَاهِدٍ عَلَى عَتَاقَتِهِ اسْتُحْلِفَ سَيِّدُهُ مَا أَعْتَقَهُ وَبَطَلَ ذَلِكَ عَنْهُ . قَالَ مَالِكٌ وَكَذَلِكَ السُّنَّةُ عِنْدَنَا أَيْضًا فِي الطَّلاَقِ إِذَا جَاءَتِ الْمَرْأَةُ بِشَاهِدٍ أَنَّ زَوْجَهَا طَلَّقَهَا أُحْلِفَ زَوْجُهَا مَا طَلَّقَهَا فَإِذَا حَلَفَ لَمْ يَقَعْ عَلَيْهِ الطَّلاَقُ . قَالَ مَالِكٌ فَسُنَّةُ الطَّلاَقِ وَالْعَتَاقَةِ فِي الشَّاهِدِ الْوَاحِدِ وَاحِدَةٌ إِنَّمَا يَكُونُ الْيَمِينُ عَلَى زَوْجِ الْمَرْأَةِ وَعَلَى سَيِّدِ الْعَبْدِ وَإِنَّمَا الْعَتَاقَةُ حَدٌّ مِنَ الْحُدُودِ لاَ تَجُوزُ فِيهَا شَهَادَةُ النِّسَاءِ لأَنَّهُ إِذَا عَتَقَ الْعَبْدُ ثَبَتَتْ حُرْمَتُهُ وَوَقَعَتْ لَهُ الْحُدُودُ وَوَقَعَتْ عَلَيْهِ وَإِنْ زَنَى وَقَدْ أُحْصِنَ رُجِمَ وَإِنْ قَتَلَ الْعَبْدَ قُتِلَ بِهِ وَثَبَتَ لَهُ الْمِيرَاثُ بَيْنَهُ وَبَيْنَ مَنْ يُوَارِثُهُ فَإِنِ احْتَجَّ مُحْتَجٌّ فَقَالَ لَوْ أَنَّ رَجُلاً أَعْتَقَ عَبْدَهُ وَجَاءَ

رَجُلٌ يَطْلُبُ سَيِّدَ الْعَبْدِ بِدَيْنٍ لَهُ عَلَيْهِ فَشَهِدَ لَهُ عَلَى حَقِّهِ ذَلِكَ رَجُلٌ وَامْرَأَتَانِ فَإِنَّ ذَلِكَ يُثْبِتُ الْحَقَّ عَلَى سَيِّدِ الْعَبْدِ حَتَّى تُرَدَّ بِهِ عَتَاقَتُهُ إِذَا لَمْ يَكُنْ لِسَيِّدِ الْعَبْدِ مَالٌ غَيْرُ الْعَبْدِ يُرِيدُ أَنْ يُجِيزَ بِذَلِكَ شَهَادَةَ النِّسَاءِ فِي الْعَتَاقَةِ فَإِنَّ ذَلِكَ لَيْسَ عَلَى مَا قَالَ وَإِنَّمَا مَثَلُ ذَلِكَ الرَّجُلُ يَعْتِقُ عَبْدَهُ ثُمَّ يَأْتِي طَالِبُ الْحَقِّ عَلَى سَيِّدِهِ بِشَاهِدٍ وَاحِدٍ فَيَحْلِفُ مَعَ شَاهِدِهِ ثُمَّ يَسْتَحِقُّ حَقَّهُ وَتُرَدُّ بِذَلِكَ عَتَاقَةُ الْعَبْدِ أَوْ يَأْتِي الرَّجُلُ قَدْ كَانَتْ بَيْنَهُ وَبَيْنَ سَيِّدِ الْعَبْدِ مُخَالَطَةٌ وَمُلاَبَسَةٌ فَيَزْعُمُ أَنَّ لَهُ عَلَى سَيِّدِ الْعَبْدِ مَالاً فَيُقَالُ لِسَيِّدِ الْعَبْدِ احْلِفْ مَا عَلَيْكَ مَا ادَّعَى فَإِنْ نَكَلَ وَأَبَى أَنْ يَحْلِفَ حُلِّفَ صَاحِبُ الْحَقِّ وَثَبَتَ حَقُّهُ عَلَى سَيِّدِ الْعَبْدِ فَيَكُونُ ذَلِكَ يَرُدُّ عَتَاقَةَ الْعَبْدِ إِذَا ثَبَتَ الْمَالُ عَلَى سَيِّدِهِ . قَالَ وَكَذَلِكَ أَيْضًا الرَّجُلُ يَنْكِحُ الأَمَةَ فَتَكُونُ امْرَأَتَهُ فَيَأْتِي سَيِّدُ الأَمَةِ إِلَى الرَّجُلِ الَّذِي تَزَوَّجَهَا فَيَقُولُ ابْتَعْتَ مِنِّي جَارِيَتِي فُلاَنَةَ أَنْتَ وَفُلاَنٌ بِكَذَا وَكَذَا دِينَارًا . فَيُنْكِرُ ذَلِكَ زَوْجُ الأَمَةِ فَيَأْتِي سَيِّدُ الأَمَةِ بِرَجُلٍ وَامْرَأَتَيْنِ فَيَشْهَدُونَ عَلَى مَا قَالَ فَيَثْبُتُ بَيْعُهُ وَيَحِقُّ حَقُّهُ وَتَحْرُمُ الأَمَةُ عَلَى زَوْجِهَا وَيَكُونُ ذَلِكَ فِرَاقًا بَيْنَهُمَا وَشَهَادَةُ النِّسَاءِ لاَ تَجُوزُ فِي الطَّلاَقِ . قَالَ مَالِكٌ وَمِنْ ذَلِكَ أَيْضًا الرَّجُلُ يَفْتَرِي عَلَى الرَّجُلِ الْحُرِّ فَيَقَعُ عَلَيْهِ الْحَدُّ فَيَأْتِي رَجُلٌ وَامْرَأَتَانِ فَيَشْهَدُونَ أَنَّ الَّذِي افْتُرِيَ عَلَيْهِ عَبْدٌ مَمْلُوكٌ فَيَضَعُ ذَلِكَ الْحَدَّ عَنِ الْمُفْتَرِي بَعْدَ أَنْ وَقَعَ عَلَيْهِ وَشَهَادَةُ النِّسَاءِ لاَ تَجُوزُ فِي الْفِرْيَةِ . قَالَ مَالِكٌ وَمِمَّا يُشْبِهُ ذَلِكَ أَيْضًا مِمَّا يَفْتَرِقُ فِيهِ الْقَضَاءُ وَمَا مَضَى مِنَ السُّنَّةِ أَنَّ الْمَرْأَتَيْنِ يَشْهَدَانِ عَلَى اسْتِهْلاَلِ الصَّبِيِّ فَيَجِبُ بِذَلِكَ مِيرَاثُهُ حَتَّى يَرِثَ وَيَكُونُ مَالُهُ لِمَنْ يَرِثُهُ إِنْ مَاتَ الصَّبِيُّ وَلَيْسَ مَعَ الْمَرْأَتَيْنِ اللَّتَيْنِ شَهِدَتَا رَجُلٌ وَلاَ يَمِينٌ وَقَدْ يَكُونُ ذَلِكَ فِي الأَمْوَالِ الْعِظَامِ مِنَ الذَّهَبِ وَالْوَرِقِ وَالرِّبَاعِ وَالْحَوَائِطِ وَالرَّقِيقِ وَمَا سِوَى ذَلِكَ مِنَ الأَمْوَالِ وَلَوْ شَهِدَتِ امْرَأَتَانِ عَلَى دِرْهَمٍ وَاحِدٍ أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ لَمْ تَقْطَعْ شَهَادَتُهُمَا شَيْئًا وَلَمْ تَجُزْ إِلاَّ أَنْ يَكُونَ مَعَهُمَا شَاهِدٌ أَوْ يَمِينٌ . قَالَ مَالِكٌ وَمِنَ النَّاسِ مَنْ يَقُولُ لاَ تَكُونُ الْيَمِينُ مَعَ الشَّاهِدِ الْوَاحِدِ . وَيَحْتَجُّ بِقَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى وَقَوْلُهُ الْحَقُّ {وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ} يَقُولُ فَإِنْ لَمْ يَأْتِ بِرَجُلٍ وَامْرَأَتَيْنِ فَلاَ شَىْءَ لَهُ وَلاَ يُحَلَّفُ مَعَ شَاهِدِهِ . قَالَ مَالِكٌ فَمِنَ الْحُجَّةِ عَلَى مَنْ قَالَ ذَلِكَ الْقَوْلَ أَنْ يُقَالَ لَهُ أَرَأَيْتَ لَوْ أَنَّ رَجُلاً ادَّعَى عَلَى رَجُلٍ مَالاً أَلَيْسَ يَحْلِفُ الْمَطْلُوبُ مَا ذَلِكَ الْحَقُّ عَلَيْهِ فَإِنْ حَلَفَ بَطَلَ ذَلِكَ عَنْهُ وَإِنْ نَكَلَ عَنِ الْيَمِينِ حُلِّفَ صَاحِبُ الْحَقِّ إِنَّ حَقَّهُ لَحَقٌّ . وَثَبَتَ حَقُّهُ عَلَى صَاحِبِهِ فَهَذَا مَا لاَ اخْتِلاَفَ فِيهِ عِنْدَ أَحَدٍ مِنَ النَّاسِ وَلاَ بِبَلَدٍ مِنَ الْبُلْدَانِ فَبِأَىِّ شَىْءٍ أَخَذَ هَذَا أَوْ فِي أَىِّ مَوْضِعٍ مِنْ كِتَابِ اللَّهِ وَجَدَهُ فَإِنْ أَقَرَّ بِهَذَا فَلْيُقْرِرْ بِالْيَمِينِ مَعَ الشَّاهِدِ وَإِنْ لَمْ يَكُنْ ذَلِكَ فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ وَأَنَّهُ لَيَكْفِي مِنْ ذَلِكَ مَا مَضَى مِنَ السُّنَّةِ وَلَكِنِ الْمَرْءُ قَدْ يُحِبُّ أَنْ يَعْرِفَ وَجْهَ الصَّوَابِ وَمَوْقِعَ الْحُجَّةِ فَفِي هَذَا بَيَانُ مَا أَشْكَلَ مِنْ ذَلِكَ إِنْ شَاءَ اللَّهُ تَعَالَى .

USC-MSA web (English) reference : Book 36, Hadith 7
Arabic reference : Book 36, Hadith 1411

Yahya said that Malik spoke about a man who died and had a debt owing to him and there was one witness, and some people had a debt against him and they had only one witness, and his heirs refused to take an oath on their rights with their witness. He said, "The creditors take an oath and take their rights. If there is anything left over, the heirs do not take any of it. That is because the oaths were offered to them before and they abandoned them, unless they say, 'We did not know that our companion had extra,' and it is known that they only abandoned the oaths because of that. I think that they should take an oath and take what remains after his debt."

USC-MSA web (English) reference : Book 36, Hadith 7

Yahya said, "Malik said about Jamil ibn Abd ar-Rahman al-Muadhdin that he was present with Umar ibn Abd al-Aziz when he was judging between people. If a man came to him with a claim against a man, he examined whether or not there were frequent transactions and dealings between them. If there were, the defendant could make an oath. If there was nothing of that nature he did not accept an oath from him."

Malik summed up, "What is done in our community is that if some one makes a claim against a man, it is examined. If there are frequent transactions and dealings between them, the defendant is made to take an oath. If he takes an oath, the claim against him is dropped. If the defendant refuses to take an oath, and returns the oath to the claimant, the one claiming his right takes an oath and takes his due."

قَالَ يَحْيَى قَالَ مَالِكٌ عَنْ جَمِيلِ بْنِ عَبْدِ الرَّحْمَنِ الْمُؤَذِّنِ، أَنَّهُ كَانَ يَحْضُرُ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ وَهُوَ يَقْضِي بَيْنَ النَّاسِ فَإِذَا جَاءَهُ الرَّجُلُ يَدَّعِي عَلَى الرَّجُلِ حَقًّا نَظَرَ فَإِنْ كَانَتْ بَيْنَهُمَا مُخَالَطَةٌ أَوْ مُلاَبَسَةٌ أَحْلَفَ الَّذِي ادُّعِيَ عَلَيْهِ وَإِنْ لَمْ يَكُنْ شَىْءٌ مِنْ ذَلِكَ لَمْ يُحَلِّفْهُ . قَالَ مَالِكٌ وَعَلَى ذَلِكَ الأَمْرُ عِنْدَنَا أَنَّهُ مَنِ ادَّعَى عَلَى رَجُلٍ بِدَعْوَى نُظِرَ فَإِنْ كَانَتْ بَيْنَهُمَا مُخَالَطَةٌ أَوْ مُلاَبَسَةٌ أُحْلِفَ الْمُدَّعَى عَلَيْهِ فَإِنْ حَلَفَ بَطَلَ ذَلِكَ الْحَقُّ عَنْهُ وَإِنْ أَبَى أَنْ يَحْلِفَ وَرَدَّ الْيَمِينَ عَلَى الْمُدَّعِي فَحَلَفَ طَالِبُ الْحَقِّ أَخَذَ حَقَّهُ .

USC-MSA web (English) reference : Book 36, Hadith 8
Arabic reference : Book 36, Hadith 1412

Yahya said, "Malik said from Hisham ibn Urwa that Abdullah ibn az-Zubayr gave judgment based on the testimony of children concerning the injuries between them."

Malik said, "The generally agreed on way of doing things in our community is that the testimony of children is permitted concerning injuries between them. It is not accepted about anything else. It is only permitted between them if they testify before they leave the scene of the incident and have been deceived or instructed. If they leave the scene, they have no testimony unless they call just witnesses to witness their testimony before they leave."

قَالَ يَحْيَى قَالَ مَالِكٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، أَنَّ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ، كَانَ يَقْضِي بِشَهَادَةِ الصِّبْيَانِ فِيمَا بَيْنَهُمْ مِنَ الْجِرَاحِ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ شَهَادَةَ الصِّبْيَانِ تَجُوزُ فِيمَا بَيْنَهُمْ مِنَ الْجِرَاحِ وَلاَ تَجُوزُ عَلَى غَيْرِهِمْ وَإِنَّمَا تَجُوزُ شَهَادَتُهُمْ فِيمَا بَيْنَهُمْ مِنَ الْجِرَاحِ وَحْدَهَا لاَ تَجُوزُ فِي غَيْرِ ذَلِكَ إِذَا كَانَ ذَلِكَ قَبْلَ أَنْ يَتَفَرَّقُوا أَوْ يُخَبَّبُوا أَوْ يُعَلَّمُوا فَإِنِ افْتَرَقُوا فَلاَ شَهَادَةَ لَهُمْ إِلاَّ أَنْ يَكُونُوا قَدْ أَشْهَدُوا الْعُدُولَ عَلَى شَهَادَتِهِمْ قَبْلَ أَنْ يَفْتَرِقُوا .

USC-MSA web (English) reference : Book 36, Hadith 9
Arabic reference : Book 36, Hadith 1413

Yahya said, Malik related to us from Hisham ibn Hisham ibn Utba ibn Abi Waqqas from Abdullah ibn Nistas from Jabir ibn Abdullah al- Ansari that the Messenger of Allah, may Allah bless him and grant him peace, said, 'If someone swears a false oath near this mimbar of mine, he will take his seat in the fire.' "

قَالَ يَحْيَى حَدَّثَنَا مَالِكٌ، عَنْ هَاشِمِ بْنِ هَاشِمِ بْنِ عُتْبَةَ بْنِ أَبِي وَقَّاصٍ، عَنْ عَبْدِ اللَّهِ بْنِ نِسْطَاسٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ الأَنْصَارِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ حَلَفَ عَلَى مِنْبَرِي آثِمًا تَبَوَّأَ مَقْعَدَهُ مِنَ النَّارِ " .

USC-MSA web (English) reference : Book 36, Hadith 10
Arabic reference : Book 36, Hadith 1414

Malik related to me from al-Ala ibn Abd ar-Rahman from Mabad ibn Kab as-Salami from his brother Abdullah ibn Kab ibn Malik al-Ansari from Abu Umama that the Messenger of Allah, may Allah bless him and grant him peace,

said, "Whoever cuts off the right of a muslim man by his oath, Allah forbids him the Garden and obliges the Fire for him." They said, "Even if it is something insignificant, Messenger of Allah?" He said, "Even if it is a tooth-stick, even if it is a tooth- stick," repeating it three times.

وَحَدَّثَنِي مَالِكٌ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ مَعْبَدِ بْنِ كَعْبٍ السَّلَمِيِّ، عَنْ أَخِيهِ عَبْدِ اللَّهِ بْنِ كَعْبِ بْنِ مَالِكٍ الأَنْصَارِيِّ، عَنْ أَبِي أُمَامَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنِ اقْتَطَعَ حَقَّ امْرِئٍ مُسْلِمٍ بِيَمِينِهِ حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ وَأَوْجَبَ لَهُ النَّارَ " . قَالُوا وَإِنْ كَانَ شَيْئًا يَسِيرًا يَا رَسُولَ اللَّهِ قَالَ " وَإِنْ كَانَ قَضِيبًا مِنْ أَرَاكٍ وَإِنْ كَانَ قَضِيبًا مِنْ أَرَاكٍ وَإِنْ كَانَ قَضِيبًا مِنْ أَرَاكٍ " . قَالَهَا ثَلاَثَ مَرَّاتٍ .

USC-MSA web (English) reference : Book 36, Hadith 11
Arabic reference : Book 36, Hadith 1415

Yahya said that Malik had said from Da'ud ibn al-Husayn that he heard Abu Ghatafan ibn Tarif al-Muriyi say, "Zayd ibn Thabit al-Ansari and Ibn Muti had a dispute about a house which they shared. They went to Marwan ibn al-Hakam who was the Amir of Madina. Marwan decided that Zayd ibn Thabit must take an oath on the mimbar. Zayd ibn Thabit said, 'I swear to it where I am.' Marwan said, 'No, by Allah! only in the place of sorting out claims (i.e. the mimbar).' Zayd ibn Thabit began to take an oath that his right was true, and he refused to take an oath near the mimbar. Marwan ibn al-Hakam began to wonder at that."

Malik said, "I do not think that anyone should be made to take an oath near the mimbar for less than a fourth of a dinar, and that is three dirhams."

قَالَ يَحْيَى قَالَ مَالِكٌ عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، أَنَّهُ سَمِعَ أَبَا غَطَفَانَ بْنَ طَرِيفٍ الْمُرِّيَّ، يَقُولُ اخْتَصَمَ زَيْدُ بْنُ ثَابِتٍ الأَنْصَارِيُّ وَابْنُ مُطِيعٍ فِي دَارٍ كَانَتْ بَيْنَهُمَا إِلَى مَرْوَانَ بْنِ الْحَكَمِ وَهُوَ أَمِيرٌ عَلَى الْمَدِينَةِ فَقَضَى مَرْوَانُ عَلَى زَيْدِ بْنِ ثَابِتٍ بِالْيَمِينِ عَلَى الْمِنْبَرِ . فَقَالَ زَيْدُ بْنُ ثَابِتٍ أَحْلِفُ لَهُ مَكَانِي . قَالَ فَقَالَ مَرْوَانُ لاَ وَاللَّهِ إِلاَّ عِنْدَ مَقَاطِعِ الْحُقُوقِ . قَالَ فَجَعَلَ زَيْدُ بْنُ ثَابِتٍ يَحْلِفُ أَنَّ حَقَّهُ لَحَقٌّ . وَيَأْبَى أَنْ يَحْلِفَ عَلَى الْمِنْبَرِ - قَالَ - فَجَعَلَ مَرْوَانُ بْنُ الْحَكَمِ يَعْجَبُ مِنْ ذَلِكَ . قَالَ مَالِكٌ لاَ أَرَى أَنْ يُحَلَّفَ أَحَدٌ عَلَى الْمِنْبَرِ عَلَى أَقَلَّ مِنْ رُبُعِ دِينَارٍ وَذَلِكَ ثَلاَثَةُ دَرَاهِمَ .

USC-MSA web (English) reference : Book 36, Hadith 12
Arabic reference : Book 36, Hadith 1416

Yahya said, "Malik related to us from Ibn Shihab from Sa'id ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, said, 'The pledge given as security is not forfeited.' "

Malik said, "The explanation of that according to what we think - and Allah knows best - is that a man gives a pledge to somebody in security for something. The pledge is superior to that for which he pawned it. The pledger says to the pawn-broker, 'I will bring you your due, after such-and-such a time. If not, the pledge is yours for what it was pawned for.' "
Malik said, "This transaction is not good and it is not halal. This is what was forbidden. If the owner brings what he pledged it for after the period, it is his. I think that the time condition is void."

قَالَ يَحْيَى حَدَّثَنَا مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَغْلَقُ الرَّهْنُ " .

USC-MSA web (English) reference : Book 36, Hadith 13
Arabic reference : Book 36, Hadith 1417

Yahya said, "I heard Malik say that if a man pledges his garden for a stated period and the fruits of that garden are ready before the end of that period, the fruits are not included in the pledge with the real estate, unless it is stipulated by the pledger in his pledge. However, if a man receives a slave-girl as a pledge and she is pregnant or she becomes pregnant after his taking her as a pledge, her child is included with her.

"A distinction is made between the fruit and the child of the slave-girl. The Messenger of Allah, may Allah bless him and grant him peace, said, 'If someone sells a palm which has been pollinated, the fruit belongs to the seller unless the buyer stipulates its inclusion.' The undisputed way of doing things in our community is that if a man sells a slave-girl or an animal with a foetus in its womb, the foetus belongs to the buyer, whether or not the buyer stipulates it. The palm is not like the animal. Fruit is not like the foetus in its mother's womb. Part of what clarifies that is also that it is the usage of people to have a man pawn the fruit of the palm apart from the palm. No one pawns the foetus in its mother's womb whether of slaves or animals."

USC-MSA web (English) reference : Book 36, Hadith 13

Yahya said that he had heard Malik say, "The undisputed way of doing things in our community concerning pledges is that in cases where land or a house or an animal are known to have been destroyed whilst in the possession of the broker of the pledge, and the circumstances of the loss are known, the loss is against the pledger. There is no deduction made from what is due to the broker at all. Any pledge which perishes in the possession of the broker and the circumstances of its loss are only known by his word, the loss is against the broker and he is liable for its value. He is asked to describe whatever was destroyed and then he is made to take an oath about that description and what he loaned on security for it. "Then people of discernment evaluate the description. If the pledge was worth more than what the broker loaned, the pledger takes the extra. If the assessed value of the pledge is less than what he was loaned, the pledger is made to take an oath as to what the broker loaned and he does not have to pay the extra which the broker loaned above the assessed value of the pledge. If the pledger refuses to take an oath, he has to give the broker the extra above the assessed value of the pledge. If the broker says that he doesn't know the value of the pledge, the pledger is made to take an oath on the description of the pledge and that is his if he brings a matter which is not disapproved of."

Malik said, "All this applies when the broker takes the pledge and does not put it in the hands of another."

USC-MSA web (English) reference : Book 36, Hadith 13

Yahya said that he heard Malik speak about two men who had a pledge between them. One of them undertook to sell his pledge, and the other one had asked him to wait a year for his due. He said, "If it is possible to divide the pledge, and the due of the one who asked him to wait will not be decreased, half the pledge which is between them is sold for him and he is given his due. If it is feared that his right will be decreased, all the pledge is sold, and the one who undertook to sell his pledge is given his due from that. If the one who asked him to wait for his due is pleased in himself, half of the price is paid to the pledger. If not, the pledgee is made to take an oath that he only asked him to wait so that he could transfer my pledge to me in its form.' Then he is given his due immediately."

Yahya said that he heard Malik say about a slave whose master had pledged him and the slave had property of his own, "The property of the slave is not part of the pledge unless the broker stipulates that."

USC-MSA web (English) reference : Book 36, Hadith 13

Yahya said that he heard Malik speak about someone who pledged goods as security for a loan, and they perished with the broker. The one who took out the loan confirmed its specification. They agreed on the amount of the loan, but challenged each other about the value of the pledge, the pledger saying that it had been worth twenty dinars, whilst the broker said that it had been worth only ten, and that the amount loaned on security was twenty dinars. Malik said, "It is said to the one in whose hand the pledge is, 'describe it.' If he describes it he is made to take an oath

on it and then the people of experience evaluate that description. If the value is more than what was loaned on security for it, it is said to the broker, 'Return the rest of his due to the pledger.' If the value is less than what was loaned on security for it, the broker takes the rest of his due from the pledger. If the value is the exact amount of the loan, the pledge is compensated for by the loan."

Yahya said that he heard Malik say, "What is done in our community about two men who have a dispute about an amount of money loaned on the security of a pledge - the pledger claiming that he pledged it for ten dinars and the broker insisting that he took the pledge as security for twenty dinars, and the pledge is clearly in the possession of the broker - is that the broker is made to take an oath when the value of the pledge is fully known. If the value of the pledge is exactly what he swore that he had loaned on security for it, the broker takes the pledge as his right. He is more entitled to take precedence with an oath since he has possession of the pledge. If the owner of the pledge wants to give him the amount which he swore that he was owed, he can take the pledge back. If the pledge is worth less than the twenty dinars he loaned, then it is said to the pledger, 'Either you give him what he has sworn to and take your pledge back, or you swear to what you said you pledged it for.' If the pledger takes the oath, then what the broker has increased over the value of the pledge will become invalid. If the pledger does not take an oath, he must pay what the broker swore to."
Malik said, "If a pledge given on security for a loan perishes, and both parties deny each other's rights, with the broker who is owed the loan saying that he gave twenty dinars, and the pledger who owes the loan saying that he was given only ten, and with the broker who is owed the loan saying the pledge was worth ten dinars, and the broker who owes the loan saying it was worth twenty, then the broker who is owed the loan is asked to describe the pledge. If he describes it, he must take an oath on its description. Then people with experience of it evaluate that description. If the value of the pledge is estimated to be more than what the broker claims it was, he takes an oath as to what he claimed, and the pledger is given what is over from the value of the pledge. If its value is less than what the broker claims of it, he is made to take an oath as to what he claims is his. Then he demands settlement according to the actual value of the pledge. The one who owes the loan is then made to take an oath on the extra amount which remains owing against him to the claimant after the price of the pledge is reached. That is because the broker becomes a claimant against the pledger. If he takes an oath, the rest of what the broker swore to of what he claimed above the value of the pledge is invalidated. If he draws back, he is bound to pay what remains due to the broker after the value of the pledge."

USC-MSA web (English) reference : Book 36, Hadith 13

Yahya said that he heard Malik say, "What is done in our community about a man who rents an animal for a journey to a specified place and then he goes beyond that place and further, is that the owner of the animal has a choice. If he wants to take extra rent for his animal to cover the distance overstepped, he is given that on top of the first rent and the animal is returned. If the owner of the animal likes to sell the animal from the place where he over-steps, he has the price of the animal on top of the rent. If, however, the hirer rented the animal to go and return and then he overstepped when he reached the city to which he rented him, the owner of the animal only has half the first rent. That is because half of the rent is going, and half of it is returning. If he oversteps with the animal, only half of the first rent is obliged for him. Had the animal died when he reached the city to which it was rented, the hirer would not be liable and the renter would only have half the rent."

Malik said, "That is what is done with people who overstep and dispute about what they took the animal for."
Malik said, "It is also like that with some one who takes qirad-money from his companion. The owner of the property says to him, 'Do not buy such-and-such animals or such- and-such goods.' He names them and forbids them and disapproves of his money being invested in them. The one who takes the money then buys what he was forbidden. By that, he intends to be liable for the money and take the profit of his companion. When he does that, the owner of the money has an option. If he wants to enter with him in the goods according to the original

stipulations between them about the profit, he does so. If he likes, he has his capital guaranteed against the one who took the capital and over stepped the mark."
Malik said, "It is also like that with a man with whom another man invests some goods. The owner of the property orders him to buy certain goods for him which he names. He differs, and buys with the goods something other than what he was ordered to buy. He exceeded his orders. The owner of the goods has an option. If he wants to take what was bought with his property, he takes it. If he wants the partner to be liable for his capital he has that."

USC-MSA web (English) reference : Book 36, Hadith 13

Malik related to me from Ibn Shihab that Abd al-Malik ibn Marwan gave a judgment that the rapist had to pay the raped woman her bride- price.

Yahya said that he heard Malik say, "What is done in our community about the man who rapes a woman, virgin or non-virgin, if she is free, is that he must pay the bride-price of the like of her. If she is a slave, he must pay what he has diminished of her worth. The hadd-punishment in such cases is applied to the rapist, and there is no punishment applied to the raped woman. If the rapist is a slave, that is against his master unless he wishes to surrender him."
حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، أَنَّ عَبْدَ الْمَلِكِ بْنَ مَرْوَانَ، قَضَى فِي امْرَأَةٍ أُصِيبَتْ مُسْتَكْرَهَةً بِصَدَاقِهَا عَلَى مَنْ فَعَلَ ذَلِكَ بِهَا . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ الأَمْرُ عِنْدَنَا فِي الرَّجُلِ يَغْتَصِبُ الْمَرْأَةَ بِكْرًا كَانَتْ أَوْ ثَيِّبًا إِنَّهَا إِنْ كَانَتْ حُرَّةً فَعَلَيْهِ صَدَاقُ مِثْلِهَا وَإِنْ كَانَتْ أَمَةً فَعَلَيْهِ مَا نَقَصَ مِنْ ثَمَنِهَا وَالْعُقُوبَةُ فِي ذَلِكَ عَلَى الْمُغْتَصِبِ وَلاَ عُقُوبَةَ عَلَى الْمُغْتَصَبَةِ فِي ذَلِكَ كُلِّهِ وَإِنْ كَانَ الْمُغْتَصِبُ عَبْدًا فَذَلِكَ عَلَى سَيِّدِهِ إِلاَّ أَنْ يَشَاءَ أَنْ يُسَلِّمَهُ .

USC-MSA web (English) reference : Book 36, Hadith 14
Arabic reference : Book 36, Hadith 1418

Yahya said that he heard Malik say, "What is done in our community about someone who consumed an animal without the permission of its owner, is that he must pay its price on the day he consumed it. He is not obliged to replace it with a similar animal nor does he compensate the owner with any kind of animal. He must pay its price on the day it was consumed, and giving the value is more equitable in compensation for animals and goods."

Yahya said that he heard Malik say about someone who consumes some food without the permission of its owner, "He returns to the owner a like weight of the same kind of food. Food is in the position of gold and silver. Gold and silver are returned with gold and silver. The animal is not in the position of gold in that. What distinguishes between them is the sunna and the behaviour which is in force.
Yahya said that he heard Malik say, "If a man is entrusted with some wealth and then trades with it for himself and makes a profit, the profit is his because he is responsible for the property until he returns it to its owner. "

USC-MSA web (English) reference : Book 36, Hadith 14

Yahya related to me from Malik from Zayd ibn Aslam that the Messenger of Allah, may Allah bless him and grant him peace, said, "If someone changes his deen - strike his neck!"

The meaning of the statement of the Prophet, may Allah bless him and grant him peace, in our opinion and Allah knows best, is that "if someone changes his deen, strike his neck!" refers to those who leave Islam for other than it - like the heretics and their like, about whom it is known. They are killed without being called to tawba because their tawba is not recognised. They were hiding their kufr and publishing their Islam, so I do not think that one calls such people to tawba, and one does not accept their word. As for the one who goes out of Islam to something else and divulges it, one calls him to tawba. If he does not turn in tawba, he is killed. If there are people in that situation, I

think that one should call them to Islam and call them to tawba. If they turn in tawba, that is accepted from them. If they do not turn in tawba, they are killed. That does not refer as we see it, and Allah knows best, to those who come out of Judaism to Christianity or from Christianity to Judaism, nor to someone who changes his deen from the various forms of deen except for Islam. Whoever comes out of Islam to other than it and divulges that, that is the one who is referred to, and Allah knows best!

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ غَيَّرَ دِينَهُ فَاضْرِبُوا عُنُقَهُ " . وَمَعْنَى قَوْلِ النَّبِيِّ صلى الله عليه وسلم فِيمَا نُرَى - وَاللَّهُ أَعْلَمُ - " مَنْ غَيَّرَ دِينَهُ فَاضْرِبُوا عُنُقَهُ " . أَنَّهُ مَنْ خَرَجَ مِنَ الإِسْلاَمِ إِلَى غَيْرِهِ مِثْلُ الزَّنَادِقَةِ وَأَشْبَاهِهِمْ فَإِنَّ أُولَئِكَ إِذَا ظُهِرَ عَلَيْهِمْ قُتِلُوا وَلَمْ يُسْتَتَابُوا لأَنَّهُ لاَ تُعْرَفُ تَوْبَتُهُمْ وَأَنَّهُمْ كَانُوا يُسِرُّونَ الْكُفْرَ وَيُعْلِنُونَ الإِسْلاَمَ فَلاَ أَرَى أَنْ يُسْتَتَابَ هَؤُلاَءِ وَلاَ يُقْبَلُ مِنْهُمْ قَوْلُهُمْ وَأَمَّا مَنْ خَرَجَ مِنَ الإِسْلاَمِ إِلَى غَيْرِهِ وَأَظْهَرَ ذَلِكَ فَإِنَّهُ يُسْتَتَابُ فَإِنْ تَابَ وَإِلاَّ قُتِلَ وَذَلِكَ لَوْ أَنَّ قَوْمًا كَانُوا عَلَى ذَلِكَ رَأَيْتُ أَنْ يُدْعَوْا إِلَى الإِسْلاَمِ وَيُسْتَتَابُوا فَإِنْ تَابُوا قُبِلَ ذَلِكَ مِنْهُمْ وَإِنْ لَمْ يَتُوبُوا قُتِلُوا وَلَمْ يُعْنَ بِذَلِكَ فِيمَا نُرَى وَاللَّهُ أَعْلَمُ مَنْ خَرَجَ مِنَ الْيَهُودِيَّةِ إِلَى النَّصْرَانِيَّةِ وَلاَ مِنَ النَّصْرَانِيَّةِ إِلَى الْيَهُودِيَّةِ وَلاَ مَنْ يُغَيِّرُ دِينَهُ مِنْ أَهْلِ الأَدْيَانِ كُلِّهَا إِلاَّ الإِسْلاَمَ فَمَنْ خَرَجَ مِنَ الإِسْلاَمِ إِلَى غَيْرِهِ وَأَظْهَرَ ذَلِكَ فَذَلِكَ الَّذِي عُنِيَ بِهِ وَاللَّهُ أَعْلَمُ .

USC-MSA web (English) reference : Book 36, Hadith 15
Arabic reference : Book 36, Hadith 1419

Malik related to me from Abd ar-Rahman ibn Muhammad ibn Abdullah ibn Abd al-Qari that his father said, "A man came to Umar ibn al- Khattab from Abu Musa al-Ashari. Umar asked after various people, and he informed him. Then Umar inquired, 'Do you have any recent news?' He said, 'Yes. A man has become a kafir after his Islam.' Umar asked, 'What have you done with him?' He said, 'We let him approach and struck off his head.' Umar said, 'Didn't you imprison him for three days and feed him a loaf of bread every day and call on him to tawba that he might turn in tawba and return to the command of Allah?' Then Umar said, 'O Allah! I was not present and I did not order it and I am not pleased since it has come to me!' "

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ عَبْدٍ الْقَارِيِّ، عَنْ أَبِيهِ، أَنَّهُ قَالَ قَدِمَ عَلَى عُمَرَ بْنِ الْخَطَّابِ رَجُلٌ مِنْ قِبَلِ أَبِي مُوسَى الأَشْعَرِيِّ فَسَأَلَهُ عَنِ النَّاسِ، فَأَخْبَرَهُ ثُمَّ، قَالَ لَهُ عُمَرُ هَلْ كَانَ فِيكُمْ مِنْ مُغَرِّبَةِ خَبَرٍ فَقَالَ نَعَمْ رَجُلٌ كَفَرَ بَعْدَ إِسْلاَمِهِ . قَالَ فَمَا فَعَلْتُمْ بِهِ قَالَ قَرَّبْنَاهُ فَضَرَبْنَا عُنُقَهُ . فَقَالَ عُمَرُ أَفَلاَ حَبَسْتُمُوهُ ثَلاَثًا وَأَطْعَمْتُمُوهُ كُلَّ يَوْمٍ رَغِيفًا وَاسْتَتَبْتُمُوهُ لَعَلَّهُ يَتُوبُ وَيُرَاجِعُ أَمْرَ اللَّهِ ثُمَّ قَالَ عُمَرُ اللَّهُمَّ إِنِّي لَمْ أَحْضُرْ وَلَمْ آمُرْ وَلَمْ أَرْضَ إِذْ بَلَغَنِي .

USC-MSA web (English) reference : Book 36, Hadith 16
Arabic reference : Book 36, Hadith 1420

Yahya related to me from Malik from Suhayl ibn Abi Salih as- Samman from his father from Abu Hurayra that Sad ibn Ubada said to the Messenger of Allah, may Allah bless him and grant him peace, "What do you think if I find a man with my wife? Shall I grant him a respite until I bring four witnesses?" The Messenger of Allah, may Allah bless him and grant him peace, replied, "Yes."

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ سَعْدَ بْنَ عُبَادَةَ، قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم أَرَأَيْتَ إِنْ وَجَدْتُ مَعَ امْرَأَتِي رَجُلاً أَأُمْهِلُهُ حَتَّى آتِيَ بِأَرْبَعَةِ شُهَدَاءَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ " .

USC-MSA web (English) reference : Book 36, Hadith 17

Arabic reference : Book 36, Hadith 1421

Malik related to me from Yahya ibn Said from Said ibn al-Musayyab that a Syrian man called Ibn Khaybari found a man with his wife and killed him, or killed them both. Muawiya ibn Abi Sufyan found it difficult to make a decision and he wrote to Abu Musa al-Ashari to ask Ali ibn Abi Talib for him about that. So Abu Musa asked Ali ibn Abi Talib and AIi said to him, "Is this thing in my land? I adjure you, you must tell me." Abu Musa explained to him how Muawiya ibn Abi Sufyan had written him to ask Ali about it. Ali said, "I am Abu Hasan. If he does not bring four witnesses, then let him be completely handed over," (to the relatives of the murdered man).

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَجُلاً، مِنْ أَهْلِ الشَّامِ - يُقَالُ لَهُ ابْنُ خَيْبَرِيٍّ - وَجَدَ مَعَ امْرَأَتِهِ رَجُلاً فَقَتَلَهُ أَوْ قَتَلَهُمَا مَعًا فَأَشْكَلَ عَلَى مُعَاوِيَةَ بْنِ أَبِي سُفْيَانَ الْقَضَاءُ فِيهِ فَكَتَبَ إِلَى أَبِي مُوسَى الأَشْعَرِيِّ يَسْأَلُ لَهُ عَلِيَّ بْنَ أَبِي طَالِبٍ عَنْ ذَلِكَ فَسَأَلَ أَبُو مُوسَى عَنْ ذَلِكَ عَلِيَّ بْنَ أَبِي طَالِبٍ فَقَالَ لَهُ عَلِيٌّ إِنَّ هَذَا الشَّىْءَ مَا هُوَ بِأَرْضِي عَزَمْتُ عَلَيْكَ لَتُخْبِرَنِّي . فَقَالَ لَهُ أَبُو مُوسَى كَتَبَ إِلَىَّ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ أَنْ أَسْأَلَكَ عَنْ ذَلِكَ . فَقَالَ عَلِيٌّ أَنَا أَبُو حَسَنٍ إِنْ لَمْ يَأْتِ بِأَرْبَعَةِ شُهَدَاءَ فَلْيُعْطَ بِرُمَّتِهِ .

USC-MSA web (English) reference : Book 36, Hadith 18
Arabic reference : Book 36, Hadith 1422

Yahya said that Malik related from Ibn Shihab that Sunayn Abi Jamila, a man from the Banu Sulaym, found an abandoned child in the time of Umar ibn al-Khattab. Sunayn took him to Umar ibn al-Khattab. He asked, "What has induced you to take this person?" He answered, "I found him lost, so I took him." Umar's advisor said to him,' 'Amir al-Muminin! He is a man who does good." Umar inquired of him, "Is it so?" He replied, "Yes." Umar ibn al-Khattab said, "Go, he is free, and you have his wala' inheritance, and we will provide for him."

Yahya said that he heard Malik say, "What is done in our community about an abandoned child is that he is free, and his wala' inheritance belongs to the muslims, and they inherit from him and pay his blood money."

قَالَ يَحْيَى قَالَ مَالِكٌ عَنِ ابْنِ شِهَابٍ، عَنْ سُنَيْنٍ أَبِي جَمِيلَةَ، رَجُلٌ مِنْ بَنِي سُلَيْمٍ أَنَّهُ وَجَدَ مَنْبُوذًا فِي زَمَانِ عُمَرَ بْنِ الْخَطَّابِ قَالَ فَجِئْتُ بِهِ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ مَا حَمَلَكَ عَلَى أَخْذِ هَذِهِ النَّسَمَةِ فَقَالَ وَجَدْتُهَا ضَائِعَةً فَأَخَذْتُهَا . فَقَالَ لَهُ عَرِيفُهُ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّهُ رَجُلٌ صَالِحٌ . فَقَالَ لَهُ عُمَرُ أَكَذَلِكَ قَالَ نَعَمْ . فَقَالَ عُمَرُ بْنُ الْخَطَّابِ اذْهَبْ فَهُوَ حُرٌّ وَلَكَ وَلاَؤُهُ وَعَلَيْنَا نَفَقَتُهُ .

USC-MSA web (English) reference : Book 36, Hadith 19
Arabic reference : Book 36, Hadith 1423

Yahya said from Malik from Ibn Shihab from Urwa ibn az-Zubayr that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Utba ibn Abi Waqqas disclosed to his brother, Sad ibn Abi Waqqas, that he was the father of the son of the slave-girl of Zama, and made him promise to look after him (after his death). In the year of the conquest, Sad took him and said, 'He is the son of my brother. He covenanted with me about him.' Abd ibn Zama stood up and said, 'He is my brother and the son of my father's slave-girl. He was born on his bed.' They went to the Messenger of Allah, may Allah bless him and grant him peace. Sad said, 'Messenger of Allah! He is the son of my brother, he made a covenant with me about him.' Abd ibn Zama said, 'He is my brother and the son of my father's slave-girl and was born on my father's bed.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'He is yours, Abd ibn Zama.' Then the Messenger of Allah, may Allah bless him and grant him peace, said, 'A child belongs to the household (where he was born) and the adulterer is stoned.' Then he told Sawda bint

Zama, 'Veil yourself from him,' since he saw in him a resemblance to Utba ibn Abi Waqqas." A'isha added, "He did not see her until he met Allah, the Mighty, the Majestic!"

قَالَ يَحْيَى عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ كَانَ عُتْبَةُ بْنُ أَبِي وَقَّاصٍ عَهِدَ إِلَى أَخِيهِ سَعْدِ بْنِ أَبِي وَقَّاصٍ أَنَّ ابْنَ وَلِيدَةِ زَمْعَةَ مِنِّي فَاقْبِضْهُ إِلَيْكَ . قَالَتْ فَلَمَّا كَانَ عَامُ الْفَتْحِ أَخَذَهُ سَعْدٌ وَقَالَ ابْنُ أَخِي قَدْ كَانَ عَهِدَ إِلَىَّ فِيهِ . فَقَامَ إِلَيْهِ عَبْدُ بْنُ زَمْعَةَ فَقَالَ أَخِي وَابْنُ وَلِيدَةِ أَبِي وُلِدَ عَلَى فِرَاشِهِ . فَتَسَاوَقَا إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ سَعْدٌ يَا رَسُولَ اللَّهِ ابْنُ أَخِي قَدْ كَانَ عَهِدَ إِلَىَّ فِيهِ . وَقَالَ عَبْدُ بْنُ زَمْعَةَ أَخِي وَابْنُ وَلِيدَةِ أَبِي وُلِدَ عَلَى فِرَاشِهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " هُوَ لَكَ يَا عَبْدُ بْنَ زَمْعَةَ " . ثُمَّ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ " . ثُمَّ قَالَ لِسَوْدَةَ بِنْتِ زَمْعَةَ " احْتَجِبِي مِنْهُ " . لِمَا رَأَى مِنْ شَبَهِهِ بِعُتْبَةَ بْنِ أَبِي وَقَّاصٍ قَالَتْ فَمَا رَآهَا حَتَّى لَقِيَ اللَّهَ عَزَّ وَجَلَّ .

USC-MSA web (English) reference : Book 36, Hadith 20
Arabic reference : Book 36, Hadith 1424

Malik related to me from Yazid ibn Abdullah ibn al-Hadi from Muhammad ibn Ibrahim ibn al-Harith at-Taymi from Sulayman ibn Yasar from Abdullah ibn Abi Umayya that a woman's husband died, and she did the idda of four months and ten days. Then she married when she was free to marry. She stayed with her husband for four and a half months, then gave birth to a fully developed child. Her husband went to Umar ibn al-Khattab and mentioned that to him, so Umar called some of the old women of the Jahiliyya and asked them about that. One of the women said, "I will tell you what happened with this woman. When her husband died, she was pregnant by him, but then the blood flowed from her because of his death and the child became dry in her womb. When her new husband had intercourse with her and the water reached the child, the child moved in the womb and grew." Umar ibn al-Khattab believed her and separated them (until she had completed her idda). Umar said, "Only good has reached me about you two," and he connected the child to the first husband.

وَحَدَّثَنِي مَالِكٌ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِي، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي أُمَيَّةَ، أَنَّ امْرَأَةً، هَلَكَ عَنْهَا زَوْجُهَا فَاعْتَدَّتْ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا ثُمَّ تَزَوَّجَتْ حِينَ حَلَّتْ فَمَكَثَتْ عِنْدَ زَوْجِهَا أَرْبَعَةَ أَشْهُرٍ وَنِصْفَ شَهْرٍ ثُمَّ وَلَدَتْ وَلَدًا تَامًّا فَجَاءَ زَوْجُهَا إِلَى عُمَرَ بْنِ الْخَطَّابِ فَذَكَرَ ذَلِكَ لَهُ فَدَعَا عُمَرُ نِسْوَةً مِنْ نِسَاءِ الْجَاهِلِيَّةِ قُدَمَاءَ فَسَأَلَهُنَّ عَنْ ذَلِكَ فَقَالَتِ امْرَأَةٌ مِنْهُنَّ أَنَا أُخْبِرُكَ عَنْ هَذِهِ الْمَرْأَةِ هَلَكَ عَنْهَا زَوْجُهَا حِينَ حَمَلَتْ مِنْهُ فَأُهْرِيقَتْ عَلَيْهِ الدِّمَاءُ فَحَشَّ وَلَدُهَا فِي بَطْنِهَا فَلَمَّا أَصَابَهَا زَوْجُهَا الَّذِي نَكَحَهَا وَأَصَابَ الْوَلَدَ الْمَاءُ تَحَرَّكَ الْوَلَدُ فِي بَطْنِهَا وَكَبِرَ . فَصَدَّقَهَا عُمَرُ بْنُ الْخَطَّابِ وَفَرَّقَ بَيْنَهُمَا وَقَالَ عُمَرُ أَمَا إِنَّهُ لَمْ يَبْلُغْنِي عَنْكُمَا إِلاَّ خَيْرٌ وَأَلْحَقَ الْوَلَدَ بِالأَوَّلِ .

USC-MSA web (English) reference : Book 36, Hadith 21
Arabic reference : Book 36, Hadith 1425

Malik related to me from Yahya ibn Said from Sulayman ibn Yasar that Umar ibn al-Khattab used to attach the children of the Jahiliyya to whoever claimed them in Islam. Two men came and each of them claimed a woman's child. Umar ibn al-Khattab summoned a person who scrutinized features and he looked at them. The scrutinizer said, "They both share in him." Umar ibn al-Khattab hit him with a whip. Then he summoned the woman, and said, "Tell me your tale." She said, "It was this one (indicating one of the two men) who used to come to me while I was

with my people's camels. He did not leave me until he thought and I thought that I was pregnant. Then he left me, and blood flowed from me, and this other one took his place. I do not know from which of them the child is." The scrutinizer said, "Allah is greater." Umar said to the child, "Go to whichever of them you wish."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يُلِيطُ أَوْلاَدَ الْجَاهِلِيَّةِ بِمَنِ ادَّعَاهُمْ فِي الإِسْلاَمِ فَأَتَى رَجُلاَنِ كِلاَهُمَا يَدَّعِي وَلَدَ امْرَأَةٍ فَدَعَا عُمَرُ بْنُ الْخَطَّابِ قَائِفًا فَنَظَرَ إِلَيْهِمَا فَقَالَ الْقَائِفُ لَقَدِ اشْتَرَكَا فِيهِ فَضَرَبَهُ عُمَرُ بْنُ الْخَطَّابِ بِالدِّرَّةِ ثُمَّ دَعَا الْمَرْأَةَ فَقَالَ أَخْبِرِينِي خَبَرَكِ فَقَالَتْ كَانَ هَذَا - لأَحَدِ الرَّجُلَيْنِ - يَأْتِينِي . وَهِيَ فِي إِبِلٍ لأَهْلِهَا فَلاَ يُفَارِقُهَا حَتَّى يَظُنَّ وَتَظُنَّ أَنَّهُ قَدِ اسْتَمَرَّ بِهَا حَبَلٌ ثُمَّ انْصَرَفَ عَنْهَا فَأُهْرِيقَتْ عَلَيْهِ دِمَاءٌ ثُمَّ خَلَفَ عَلَيْهَا هَذَا - تَعْنِي الآخَرَ - فَلاَ أَدْرِي مِنْ أَيِّهِمَا هُوَ قَالَ فَكَبَّرَ الْقَائِفُ فَقَالَ عُمَرُ لِلْغُلاَمِ وَالِ أَيَّهُمَا شِئْتَ .

USC-MSA web (English) reference : Book 36, Hadith 22
Arabic reference : Book 36, Hadith 1426

Malik related to me that he had heard that Umar ibn al-Khattab or Uthman ibn Affan gave a judgement about a slave woman who misled a man about herself and said that she was free. He married her and she bore children. It was decided that he should ransom his children with their like of slaves.

Yahya said that he heard Malik say, "To ransom them with their price is more equitable in this case, Allah willing."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، أَوْ عُثْمَانَ بْنَ عَفَّانَ قَضَى أَحَدُهُمَا فِي امْرَأَةٍ غَرَّتْ رَجُلاً بِنَفْسِهَا وَذَكَرَتْ أَنَّهَا حُرَّةٌ فَتَزَوَّجَهَا فَوَلَدَتْ لَهُ أَوْلاَدًا فَقَضَى أَنْ يَفْدِيَ وَلَدَهُ بِمِثْلِهِمْ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ وَالْقِيمَةُ أَعْدَلُ فِي هَذَا إِنْ شَاءَ اللَّهُ .

USC-MSA web (English) reference : Book 36, Hadith 23
Arabic reference : Book 36, Hadith 1427

Yahya said that he heard Malik say, "The way of doing things generally agreed upon in our community in the case of a man who dies and has sons and one of them claims, 'My father confirmed that so-and- so was his son,' is that the relationship is not established by the testimony of one man, and the confirmation of the one who confirmed it is only permitted as regards his own share in the division of his father's property. The one testified for is only given his due from the share of the testifier."

Malik said, "An example of this is that a man dies leaving two sons, and 600 dinars. Each of them takes 300 dinars. Then one of them testifies that his deceased father confirmed that so-and-so was his son. The one who testifies is obliged to give 100 dinars to the one thus connected. This is half of the inheritance of the one thought to be related, had he been related. If the other confirms him, he takes the other 100 and so he completes his right and his relationship is established. His position is similar to that of a woman who confirms a debt against her father or her husband and the other heirs deny it. She must pay to the person whose debt she confirms, the amount according to her share of the full debt, had it been confirmed against all the heirs. If the woman inherits an eighth, she pays the creditor an eighth of his debt. If a daughter inherits a half, she pays the creditor half of his debt. Whichever women confirm him, pay him according to this.
Malik said, "If a man's testimony is in agreement with what the woman testified to, that so- and-so had a debt against his father, the creditor is made to take an oath with one witness and he is given all his due. This is not the position with women because a man's testimony is allowed and the creditor must take an oath with the testimony of his witness, and take all his due. If he does not take an oath, he only takes from the inheritance of the one who confirmed him according to his share of the debt, because he confirmed his right and the other heirs denied it. It is permitted for him to confirm it."

USC-MSA web (English) reference : Book 36, Hadith 23

Yahya said that Malik related from Ibn Shihab from Salim ibn Abdullah ibn Umar from his father that Umar ibn al-Khattab said, "What's the matter with men who have intercourse with their slave- girls and then dismiss them? No slave-girl comes to me whose master confesses that he has had intercourse with her but that I connect her child to him, whether or not he has practised coitus interruptus or stopped having intercourse with her."

قَالَ يَحْيَى قَالَ مَالِكٌ عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَا بَالُ رِجَالٍ يَطَئُونَ وَلاَئِدَهُمْ ثُمَّ يَعْزِلُوهُنَّ لاَ تَأْتِينِي وَلِيدَةٌ يَعْتَرِفُ سَيِّدُهَا أَنْ قَدْ أَلَمَّ بِهَا إِلاَّ أَلْحَقْتُ بِهِ وَلَدَهَا فَاعْزِلُوا بَعْدُ أَوِ اتْرُكُوا ‏.‏

USC-MSA web (English) reference : Book 36, Hadith 24
Arabic reference : Book 36, Hadith 1428

Malik related to me from Nafi that Safiyya bint Abi Ubayd informed him that Umar ibn al-Khattab said, "What is the matter with men who have intercourse with their slave-girls and then leave them to go? No slave-girl comes to me whose master confesses that he has had intercourse with her but that I connect her child to him, whether or not he has practised coitus interruptus or left off from intercourse with her."

Yahya said that he heard Malik say, "What is done in our community about an umm walad who commits a crime is that her master is liable for what she has done up to her value. He does not have to surrender her, and he cannot be made to bear more than her value for her crime."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ، أَنَّهَا أَخْبَرَتْهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ مَا بَالُ رِجَالٍ يَطَئُونَ وَلاَئِدَهُمْ ثُمَّ يَدَعُوهُنَّ يَخْرُجْنَ لاَ تَأْتِينِي وَلِيدَةٌ يَعْتَرِفُ سَيِّدُهَا أَنْ قَدْ أَلَمَّ بِهَا إِلاَّ قَدْ أَلْحَقْتُ بِهِ وَلَدَهَا فَأَرْسِلُوهُنَّ بَعْدُ أَوْ أَمْسِكُوهُنَّ ‏.‏ قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ الأَمْرُ عِنْدَنَا فِي أُمِّ الْوَلَدِ إِذَا جَنَتْ جِنَايَةً ضَمِنَ سَيِّدُهَا مَا بَيْنَهَا وَبَيْنَ قِيمَتِهَا وَلَيْسَ لَهُ أَنْ يُسَلِّمَهَا وَلَيْسَ عَلَيْهِ أَنْ يَحْمِلَ مِنْ جِنَايَتِهَا أَكْثَرَ مِنْ قِيمَتِهَا ‏.‏

USC-MSA web (English) reference : Book 36, Hadith 25
Arabic reference : Book 36, Hadith 1429

Yahya related from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "If anyone revives dead land, it belongs to him, and the unjust root has no right."

Malik explained, "The unjust root is whatever is taken, or planted without right."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ مَنْ أَحْيَا أَرْضًا مَيِّتَةً فَهِيَ لَهُ وَلَيْسَ لِعِرْقٍ ظَالِمٍ حَقٌّ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 36, Hadith 26
Arabic reference : Book 36, Hadith 1430

Malik related to me from Ibn Shihab from Salim ibn Abdullah from his father that Umar ibn al-Khattab said, "Whoever revives dead land, it belongs to him."

Malik said, "That is what is done in our community."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَنْ أَحْيَا أَرْضًا مَيِّتَةً فَهِيَ لَهُ ‏.‏ قَالَ مَالِكٌ وَعَلَى ذَلِكَ الأَمْرُ عِنْدَنَا ‏.‏

USC-MSA web (English) reference : Book 36, Hadith 27
Arabic reference : Book 36, Hadith 1431

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm that he heard that the Messenger of Allah, may Allah bless him and grant him peace, said about the flood-channels of Mahzur and Mudhaynib (in Madina), "Dam them systematically, so that the water is diverted into each property in turn up to ankle level, starting upstream."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ فِي سَيْلِ مَهْزُورٍ وَمُذَيْنِبٍ " يُمْسَكُ حَتَّى الْكَعْبَيْنِ ثُمَّ يُرْسِلُ الأَعْلَى عَلَى الأَسْفَلِ " .

USC-MSA web (English) reference : Book 36, Hadith 28
Arabic reference : Book 36, Hadith 1432

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Excess water is not withheld in order to prevent herbage from growing."

وَحَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يُمْنَعُ فَضْلُ الْمَاءِ لِيُمْنَعَ بِهِ الْكَلأُ " .

USC-MSA web (English) reference : Book 36, Hadith 29
Arabic reference : Book 36, Hadith 1433

Malik related to me from Abu'r-Rijal Muhammad ibn Abd ar-Rahman from his mother Amra bint Abd ar-Rahman that she informed him that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not withhold the surplus water of a well from people."

وَحَدَّثَنِي مَالِكٌ، عَنْ أَبِي الرِّجَالِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أُمِّهِ، عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ أَنَّهَا أَخْبَرَتْهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يُمْنَعُ نَقْعُ بِئْرٍ " .

USC-MSA web (English) reference : Book 36, Hadith 30
Arabic reference : Book 36, Hadith 1434

Yahya related to me from Malik from Amr ibn Yahya al-Mazini from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no injury nor return of injury."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ ضَرَرَ وَلاَ ضِرَارَ " .

USC-MSA web (English) reference : Book 36, Hadith 31
Arabic reference : Book 36, Hadith 1435

Malik related to me from Ibn Shihab from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "No one should prevent his neighbour from fixing a wooden peg in his wall." Then Abu Hurayra said, "Why do I see you turning away from it? By Allah! I shall keep on at you about it."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَمْنَعُ أَحَدُكُمْ جَارَهُ خَشَبَةً يَغْرِزُهَا فِى جِدَارِهِ " . ثُمَّ يَقُولُ أَبُو هُرَيْرَةَ مَا لِي أَرَاكُمْ عَنْهَا مُعْرِضِينَ وَاللَّهِ لأَرْمِيَنَّ بِهَا بَيْنَ أَكْتَافِكُمْ .

USC-MSA web (English) reference : Book 36, Hadith 32
Arabic reference : Book 36, Hadith 1436

Malik related to me from Amr ibn Yahya al-Mazini from his father that ad-Dahhak ibn Khalifa watered his irrigation ditch from a large source of water. He wanted to have it pass through the land of Muhammad ibn Maslama, and Muhammad refused. Ad-Dahhak said to him, "Why do you prevent me? It will benefit you. You can drink from it first and last and it will not harm you." Muhammed refused so ad- Dahhak spoke about it to Umar ibn al-Khattab, and Umar ibn al-Khattab summoned Muhammad ibn Maslama and ordered him to clear the way. Muhammad said, "No." Umar said, "Why do you prevent your brother from what will benefit him and is also useful for you? You will take water from it first and last and it will not harm you."

Muhammad said, "No, by Allah!" Umar said, "By Allah, he will pass it through, even if it is over your belly!" Umar ordered him to allow its passage and ad-Dahhak did so.

وَحَدَّثَنِي مَالِكٌ، عَنْ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ، عَنْ أَبِيهِ، أَنَّ الضَّحَّاكَ بْنَ خَلِيفَةَ، سَاقَ خَلِيجًا لَهُ مِنَ الْعُرَيْضِ فَأَرَادَ أَنْ يَمُرَّ بِهِ فِي أَرْضِ مُحَمَّدِ بْنِ مَسْلَمَةَ فَأَبَى مُحَمَّدٌ . فَقَالَ لَهُ الضَّحَّاكُ لِمَ تَمْنَعُنِي وَهُوَ لَكَ مَنْفَعَةٌ تَشْرَبُ بِهِ أَوَّلاً وَآخِرًا وَلاَ يَضُرُّكَ . فَأَبَى مُحَمَّدٌ فَكَلَّمَ فِيهِ الضَّحَّاكُ عُمَرَ بْنَ الْخَطَّابِ فَدَعَا عُمَرُ بْنُ الْخَطَّابِ مُحَمَّدَ بْنَ مَسْلَمَةَ فَأَمَرَهُ أَنْ يُخَلِّيَ سَبِيلَهُ فَقَالَ مُحَمَّدٌ لاَ . فَقَالَ عُمَرُ لِمَ تَمْنَعُ أَخَاكَ مَا يَنْفَعُهُ وَهُوَ لَكَ نَافِعٌ تَسْقِي بِهِ أَوَّلاً وَآخِرًا وَهُوَ لاَ يَضُرُّكَ . فَقَالَ مُحَمَّدٌ لاَ وَاللَّهِ . فَقَالَ عُمَرُ وَاللَّهِ لَيَمُرَّنَّ بِهِ وَلَوْ عَلَى بَطْنِكَ . فَأَمَرَهُ عُمَرُ أَنْ يَمُرَّ بِهِ فَفَعَلَ الضَّحَّاكُ .

USC-MSA web (English) reference : Book 36, Hadith 33
Arabic reference : Book 36, Hadith 1437

Malik related to me from Amr ibn Yahya al-Mazini that his father said, "There was a stream in my grand-father's garden belonging to Abd ar-Rahman ibn Awf Abd ar-Rahman ibn Awf wanted to transfer it to a corner of the garden nearer to his land, and the owner of the garden prevented him. Abd ar-Rahman ibn Awf spoke to Umar ibn al-Khattab about it, and he gave a judgement to Abd ar-Rahman ibn Awf that he should transfer it."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ، عَنْ أَبِيهِ، أَنَّهُ قَالَ كَانَ فِي حَائِطِ جَدِّهِ رَبِيعٌ لِعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ فَأَرَادَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ أَنْ يُحَوِّلَهُ إِلَى نَاحِيَةٍ مِنَ الْحَائِطِ هِيَ أَقْرَبُ إِلَى أَرْضِهِ فَمَنَعَهُ صَاحِبُ الْحَائِطِ فَكَلَّمَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ عُمَرَ بْنَ الْخَطَّابِ فِي ذَلِكَ فَقَضَى لِعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ بِتَحْوِيلِهِ .

USC-MSA web (English) reference : Book 36, Hadith 34
Arabic reference : Book 36, Hadith 1438

Yahya related to me from Malik that Thawr ibn Zayd ad-Dili said, "I heard that the Messenger of Allah, may Allah bless him and grant him peace, said, 'A house or land that has been divided in the Jahiliyya, it is according to the division of the Jahiliyya. A house or land which has not been divided before the coming of Islam is divided according to Islam.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، أَنَّهُ قَالَ بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَيُّمَا دَارٍ أَوْ أَرْضٍ قُسِمَتْ فِي الْجَاهِلِيَّةِ فَهِيَ عَلَى قَسْمِ الْجَاهِلِيَّةِ وَأَيُّمَا دَارٍ أَوْ أَرْضٍ أَدْرَكَهَا الإِسْلاَمُ وَلَمْ تُقْسَمْ فَهِيَ عَلَى قَسْمِ الإِسْلاَمِ " . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ فِيمَنْ هَلَكَ وَتَرَكَ أَمْوَالاً بِالْعَالِيَةِ وَالسَّافِلَةِ إِنَّ الْبَعْلَ لاَ يُقْسَمُ مَعَ النَّضْحِ إِلاَّ أَنْ يَرْضَى أَهْلُهُ بِذَلِكَ وَإِنَّ الْبَعْلَ

يُقْسَمُ مَعَ الْعَيْنِ إِذَا كَانَ يُشْبِهُهَا وَأَنَّ الأَمْوَالَ إِذَا كَانَتْ بِأَرْضٍ وَاحِدَةٍ الَّذِي بَيْنَهُمَا مُتَقَارِبٌ أَنَّهُ يُقَامُ كُلُّ مَالٍ مِنْهَا ثُمَّ يُقْسَمُ بَيْنَهُمْ وَالْمَسَاكِنُ وَالدُّورُ بِهَذِهِ الْمَنْزِلَةِ .

USC-MSA web (English) reference : Book 36, Hadith 35
Arabic reference : Book 36, Hadith 1439

Yahya said that he heard Malik speak about a man who died and left properties in Aliya and Safila (outlying districts of Madina). He said, "Unirrigated naturally watered land is not in the same category as irrigated land unless the family are satisfied with that. Unirrigated land is only in the same category as land with a spring when it resembles it. When the properties are in one land, and are close together, each individual property is evaluated and then divided between the heirs. Dwellings and houses are in the same position."

USC-MSA web (English) reference : Book 36, Hadith 36

Yahya related to me from Malik from Ibn Shihab from Haram ibn Sad ibn Muhayyisa that a female camel of al-Bara ibn Azib entered the garden of a man and it did some damage to it. The Messenger of Allah, may Allah bless him and grant him peace, gave a judgement that the people of the garden were responsible for guarding it in the day, and the owner of the animals was liable for what the animals destroyed at night.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حَرَامِ بْنِ سَعْدِ بْنِ مُحَيِّصَةَ، أَنَّ نَاقَةً، لِلْبَرَاءِ بْنِ عَازِبٍ دَخَلَتْ حَائِطَ رَجُلٍ فَأَفْسَدَتْ فِيهِ فَقَضَى رَسُولُ اللَّهِ صلى الله عليه وسلم أَنَّ عَلَى أَهْلِ الْحَوَائِطِ حِفْظَهَا بِالنَّهَارِ وَأَنَّ مَا أَفْسَدَتِ الْمَوَاشِي بِاللَّيْلِ ضَامِنٌ عَلَى أَهْلِهَا .

USC-MSA web (English) reference : Book 36, Hadith 37
Arabic reference : Book 36, Hadith 1440

Malik related to me from Hisham ibn Urwa from his father from Yahya ibn Abd ar-Rahman ibn Hatib that some slaves of Hatib stole a she-camel belonging to a man from the Muzayna tribe and they slaughtered it. The case was brought before Umar ibn al-Khattab, and Umar ordered Kathir ibn as-Salt to cut off their hands. Then Umar said to Habib, "I think you must be starving them," and he added, "By Allah! I will make you pay such a fine that it will be heavy for you." He enquired of the man from the Muzayna tribe, "What was the price of your camel?" The Muzayni said, "By Allah, I refused to sell her for 400 dirhams.'' Umar said, ''Give him 800 dirhams."

Yahya said that he heard Malik say, "Doubling the price is not the behaviour of our community. What people have settled on among us is that the man is obliged to pay the value of the camel or animal on the day he took it."

وَحَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ يَحْيَى بْنِ عَبْدِ الرَّحْمَنِ بْنِ حَاطِبٍ، أَنَّ رَقِيقًا، لِحَاطِبٍ سَرَقُوا نَاقَةً لِرَجُلٍ مِنْ مُزَيْنَةَ فَانْتَحَرُوهَا فَرُفِعَ ذَلِكَ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَأَمَرَ عُمَرُ كَثِيرَ بْنَ الصَّلْتِ أَنْ يَقْطَعَ أَيْدِيَهُمْ ثُمَّ قَالَ عُمَرُ أَرَاكَ تُجِيعُهُمْ . ثُمَّ قَالَ عُمَرُ وَاللَّهِ لأُغَرِّمَنَّكَ غُرْمًا يَشُقُّ عَلَيْكَ ثُمَّ قَالَ لِلْمُزَنِيِّ كَمْ ثَمَنُ نَاقَتِكَ فَقَالَ الْمُزَنِيُّ قَدْ كُنْتُ وَاللَّهِ أَمْنَعُهَا مِنْ أَرْبَعِمِائَةِ دِرْهَمٍ . فَقَالَ عُمَرُ أَعْطِهِ ثَمَانَمِائَةِ دِرْهَمٍ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ وَلَيْسَ عَلَى هَذَا الْعَمَلُ عِنْدَنَا فِي تَضْعِيفِ الْقِيمَةِ وَلَكِنْ مَضَى أَمْرُ النَّاسِ عِنْدَنَا عَلَى أَنَّهُ إِنَّمَا يَغْرَمُ الرَّجُلُ قِيمَةَ الْبَعِيرِ أَوِ الدَّابَّةِ يَوْمَ يَأْخُذُهَا .

USC-MSA web (English) reference : Book 36, Hadith 38
Arabic reference : Book 36, Hadith 1441

Yahya said that he heard Malik say, "What is done in our community about injury to a domestic animal, is that the one who injures it must pay the amount by which he has diminished the animal's price."

Yahya said that he heard Malik speak about a camel who attacked a man and he feared for himself and killed it or hamstrung it. He said, "If he has a clear proof that it was heading for him and had attacked him, there are no damages against him. If there is no clear proof except his word, he is responsible for the camel."

USC-MSA web (English) reference : Book 36, Hadith 38

Yahya related that he heard Malik say that if a man gave a washer a garment to dye and he dyed it, and then the owner of the garment said, "I did not order you to use this dye," and the washer protested that he had done so, then the washer was to be believed. It was the same with the tailor and the gold-smith. They took an oath about it unless they produced something they would not normally have been employed to do. In that situation their statement was not allowed and the owner of the garment had to take an oath . If he rejected it and refused to swear, then the dyer was made to take an oath.

Yahya said, "I heard Malik speak about a dyer who was given a garment and he made a mistake and gave it to another man and the one to whom he gave it wore it. He said, 'The one who wore it has no damages against him, and the washer pays damages to the owner of the garment. That is when the man wears the garment which was given him without recognizing that it is not his. If he wears it knowing that it is not his garment, he is responsible for it.' "

USC-MSA web (English) reference : Book 36, Hadith 38

Yahya said that he heard Malik say, "What is done in our community about a man who refers a creditor to another man for the debt he owes him is that if the one referred to goes bankrupt or dies, and does not leave enough to pay the debt, then the creditor has nothing against the one who referred him and the debt does not return to the first party."

Malik said, "This is the way of doing things about which there is no dispute in our community."
Malik said, "If a man has his debt to somebody taken on for him by another man and then the man who took it on dies or goes bankrupt, then whatever was taken on by him returns to the first debtor."

USC-MSA web (English) reference : Book 36, Hadith 38

Yahya said that he heard Malik say, "If a man buys a garment which has a defect, a burn or something else, which the seller knows about and that is testified against him or he confirms it, and the man who has bought it causes a new tear which decreases the price of the garment, and then he learns about the original defect, he can return it to the seller and he is not liable for his tearing it.

"If a man buys a garment which has a defect of a burn or flaw, and the one who sold it to him claims that he did not know about it, and the buyer has cut the garment or dyed it, then the buyer has an option . If he wishes, he can have a reduction according to what the burn or flaw detracts from the price of the garment and he can keep the garment, or if he wishes to pay damages for what the cutting or dyeing has decreased of the price of the garment and return it, he can do so.
"If the buyer has dyed the garment with a dye which increases the value, the buyer has an option. If he wishes, he has a reduction from the price of the garment according to what the defect diminishes or if he wishes to become a partner with the one who sold the garment he does so. The price of the garment with a burn or flaw is looked at. If the price is ten dirhams, and the amount by which the dyeing increased the value is five dirhams, then they are partners in the garment, each according to his share. In this reckoning is the amount by which the dyeing increases the price of the garment."

USC-MSA web (English) reference : Book 36, Hadith 38

Yahya related to us from Malik from Ibn Shihab from Humayd ibn Abd ar-Rah man ibn Awf and from Muhammad ibn an-Numan ibn Bashir that they related to him that an-Numan ibn Bashir said that his father Bashir brought him to the Messenger of Allah, may Allah bless him and grant him peace, and said, "I have given this son of mine one of my slaves." The Messenger of Allah, may Allah bless him and grant him peace, said, "Have you given each of your children the same as this?" He said, "No." The Messenger of Allah, may Allah bless him and grant him peace, said, "Then take the slave back."

حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَعَنْ مُحَمَّدِ بْنِ النُّعْمَانِ بْنِ بَشِيرٍ، أَنَّهُمَا حَدَّثَاهُ عَنِ النُّعْمَانِ بْنِ بَشِيرٍ، أَنَّهُ قَالَ إِنَّ أَبَاهُ بَشِيرًا أَتَى بِهِ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ إِنِّي نَحَلْتُ ابْنِي هَذَا غُلاَمًا كَانَ لِي . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَكُلَّ وَلَدِكَ نَحَلْتَهُ مِثْلَ هَذَا " . فَقَالَ لاَ . قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " فَارْتَجِعْهُ " .

USC-MSA web (English) reference : Book 36, Hadith 39
Arabic reference : Book 36, Hadith 1442

Malik related to me from Ibn Shihab from Urwa ibn az-Zubayr that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Abu Bakr as-Siddiq gave me palm trees whose produce was twenty awsuq from his property at al-Ghaba. When he was dying, he said, 'By Allah, little daughter, there is no one I would prefer to be wealthy after I die than you. There is no one it is more difficult for me to see poor after I die than you. I gave you palm-trees whose produce is twenty awsuq. Had you cut them and taken possession of them, they would have been yours, but today they are the property of the heirs, and they are your two brothers and your two sisters, so divide it according to the Book of Allah.' A'isha continued, "I said, 'My father! By Allah, even if it had been more, I would have left it. There is only Asma. Who is my other sister?" Abu Bakr replied, 'What is in the womb of Kharija? (Kharija was the wife of Abu Bakr's 'brother' from the Ansar.) I think that it is going to be a girl.' "

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ إِنَّ أَبَا بَكْرٍ الصِّدِّيقَ كَانَ نَحَلَهَا جَادَّ عِشْرِينَ وَسْقًا مِنْ مَالِهِ بِالْغَابَةِ فَلَمَّا حَضَرَتْهُ الْوَفَاةُ قَالَ وَاللَّهِ يَا بُنَيَّةُ مَا مِنَ النَّاسِ أَحَدٌ أَحَبُّ إِلَىَّ غِنًى بَعْدِي مِنْكِ وَلاَ أَعَزُّ عَلَىَّ فَقْرًا بَعْدِي مِنْكِ وَإِنِّي كُنْتُ نَحَلْتُكِ جَادَّ عِشْرِينَ وَسْقًا فَلَوْ كُنْتِ جَدَدْتِيهِ وَاحْتَزْتِيهِ كَانَ لَكِ وَإِنَّمَا هُوَ الْيَوْمَ مَالُ وَارِثٍ وَإِنَّمَا هُمَا أَخَوَاكِ وَأُخْتَاكِ فَاقْتَسِمُوهُ عَلَى كِتَابِ اللَّهِ . قَالَتْ عَائِشَةُ فَقُلْتُ يَا أَبَتِ وَاللَّهِ لَوْ كَانَ كَذَا وَكَذَا لَتَرَكْتُهُ إِنَّمَا هِيَ أَسْمَاءُ فَمَنِ الأُخْرَى فَقَالَ أَبُو بَكْرٍ ذُو بَطْنِ بِنْتِ خَارِجَةَ . أُرَاهَا جَارِيَةً .

USC-MSA web (English) reference : Book 36, Hadith 40
Arabic reference : Book 36, Hadith 1443

Malik related to me from Ibn Shihab from Urwa ibn az-Zubayr from Abd ar-Rahman ibn Abd al-Qari that Umar ibn al-Khattab said, "What is wrong with men who give their sons gifts and then keep them and if the son dies, they say, 'My property is in my possession and I did not give it to anyone.' But if they themselves are dying, they say, 'It belongs to my son, I gave it to him.' Whoever gives a gift, and does not hand it over to the one to whom it was given, the gift is invalid, and if he dies it belongs to the heirs in general."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدٍ الْقَارِيِّ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَا بَالُ رِجَالٍ يَنْحَلُونَ أَبْنَاءَهُمْ نُحْلاً ثُمَّ يُمْسِكُونَهَا فَإِنْ مَاتَ ابْنُ أَحَدِهِمْ قَالَ مَالِي بِيَدِي لَمْ أُعْطِهِ أَحَدًا . وَإِنْ مَاتَ هُوَ قَالَ هُوَ لاِبْنِي قَدْ كُنْتُ أَعْطَيْتُهُ إِيَّاهُ . مَنْ نَحَلَ نِحْلَةً فَلَمْ يَحُزْهَا الَّذِي نُحِلَهَا - حَتَّى يَكُونَ إِنْ مَاتَ لِوَرَثَتِهِ - فَهِيَ بَاطِلٌ .

USC-MSA web (English) reference : Book 36, Hadith 41
Arabic reference : Book 36, Hadith 1444

Yahya said that he heard Malik say, "What is done in our community about some one who gives a gift not intending a reward is that he calls witnesses to it. It is affirmed for the one to whom it has been given unless the giver dies before the one to whom it was given receives the gift."

He said, "If the giver wants to keep the gift after he has had it witnessed, he cannot. If the recipient claims it from him, he takes it."
Malik said, "If some one gives a gift and then withdraws it and the recipient brings a witness to testify for him that he was given the gift, be it goods, gold, silver or animals, the recipient is made to take an oath. If he refuses, the giver is made to take an oath. If he also refuses to take an oath, he gives to the recipient what he claims from him if he has at least one witness. If he does not have a witness, he has nothing . "
Malik said, "If someone gives a gift not expecting anything in return and then the recipient dies, the heirs are in his place. If the giver dies before the recipient has received his gift, the recipient has nothing. That is because he was given a gift which he did not take possession of. If the giver wants to keep it, and he has called witnesses to the gift, he cannot do that. If the recipient claims his right he takes it."

USC-MSA web (English) reference : Book 36, Hadith 41

Malik related to me from Da'ud ibn al-Husayn from Abu Ghatafan ibn Tarif al-Muriyi that Umar ibn al-Khattab said, "If someone gives a gift to strengthen ties with a relative or as sadaqa, he cannot have it returned. If some one, however, gives a gift seeking by it favour or reward, he has his gift and can reclaim it if he does not have satisfaction from it."

Yahya said that he heard Malik say, "The generally agreed-on way of doing things in our community is that if the gift is returned to the one who gave it for recompense, and its value has been either increased or decreased, the one to whom it has been given gives the owner its value on the day he received it."

حَدَّثَنِي مَالِكٌ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنْ أَبِي غَطَفَانَ بْنِ طَرِيفٍ الْمُرِّيِّ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ مَنْ وَهَبَ هِبَةً لِصِلَةِ رَحِمٍ أَوْ عَلَى وَجْهِ صَدَقَةٍ فَإِنَّهُ لاَ يَرْجِعُ فِيهَا وَمَنْ وَهَبَ هِبَةً يَرَى أَنَّهُ إِنَّمَا أَرَادَ بِهَا الثَّوَابَ فَهُوَ عَلَى هِبَتِهِ يَرْجِعُ فِيهَا إِذَا لَمْ يُرْضَ مِنْهَا . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ الْهِبَةَ إِذَا تَغَيَّرَتْ عِنْدَ الْمَوْهُوبِ لَهُ لِلثَّوَابِ بِزِيَادَةٍ أَوْ نُقْصَانٍ فَإِنَّ عَلَى الْمَوْهُوبِ لَهُ أَنْ يُعْطِيَ صَاحِبَهَا قِيمَتَهَا يَوْمَ قَبَضَهَا .

USC-MSA web (English) reference : Book 36, Hadith 42
Arabic reference : Book 36, Hadith 1445

Yahya said that he heard Malik say, "The way of doing things in our community about which there is no dispute, is that if a man gives sadaqa to his son - sadaqa which the son takes possession of or which is in the father's keeping and the father has had his sadaqa witnessed, he cannot take back any of it because he cannot reclaim any sadaqa."

Yahya said that he heard Malik say, "The generally agreed-on way of doing things in our community in the case of someone who gives his son a gift or grants him a gift which is not sadaqa is that he can take it back as long as the child does not start a debt, which people claim from him, and which they trust him for on the strength of the gift his father has given him. The father cannot take back anything from the gift after debts are started against it.
"If a man gives his son or daughter something and a woman marries the man, and she only marries him for the wealth and the property which his father has given him and so the father wants to take that back, or, if a man marries a woman whose father has given her a gift and he marries her with an increased bride-price because of the

wealth and property that her father has given, then the father says, 'I will take that back,' then the father cannot take back any of that from the son or daughter if it is as I have described to you."

USC-MSA web (English) reference : Book 36, Hadith 42

Malik related to me from Ibn Shihab from Abu Salama ibn Abd ar- Rahman ibn Awf from Jabir ibn Abdullah al-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, said, "If someone is given a life pension, for him and his posterity, it belongs to the person to whom it has been given. It never reverts to the one who gave it because he gave a gift and the rules of inheritance apply to it."

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ الأَنْصَارِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَيُّمَا رَجُلٍ أُعْمِرَ عُمْرَى لَهُ وَلِعَقِبِهِ فَإِنَّهَا لِلَّذِي يُعْطَاهَا لاَ تَرْجِعُ إِلَى الَّذِي أَعْطَاهَا أَبَدًا " . لأَنَّهُ أَعْطَى عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ .

USC-MSA web (English) reference : Book 36, Hadith 43
Arabic reference : Book 36, Hadith 1446

Malik related to me from Yahya ibn Said that Abd ar-Rahman ibn al-Qasim ibn Muhammad heard Makhul ad-Dimashqi ask al-Qasim ibn Muhammad about the life pension and what people said about it. Al- Qasim ibn Muhammad said, "I have only come upon people who keep to the conditions they make about their property and what they are given."

Yahya said that he heard Malik say, "What is done in our community is that the life pension reverts to the one who makes it a life pension unless he says, 'It belongs to you and your posterity.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، أَنَّهُ سَمِعَ مَكْحُولاً الدِّمَشْقِيَّ، يَسْأَلُ الْقَاسِمَ بْنَ مُحَمَّدٍ عَنِ الْعُمْرَى، وَمَا يَقُولُ النَّاسُ فِيهَا فَقَالَ الْقَاسِمُ بْنُ مُحَمَّدٍ مَا أَدْرَكْتُ النَّاسَ إِلاَّ وَهُمْ عَلَى شُرُوطِهِمْ فِي أَمْوَالِهِمْ وَفِيمَا أُعْطُوا . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ وَعَلَى ذَلِكَ الأَمْرُ عِنْدَنَا أَنَّ الْعُمْرَى تَرْجِعُ إِلَى الَّذِي أَعْمَرَهَا إِذَا لَمْ يَقُلْ هِيَ لَكَ وَلِعَقِبِكَ .

USC-MSA web (English) reference : Book 36, Hadith 44
Arabic reference : Book 36, Hadith 1447

Malik related to me from Nafi that Abdullah ibn Umar inherited the house of Hafsa bint Umar. He said, "Hafsa gave lodging to the daughter of Zayd ibn al-Khattab for as long as she lived. When the daughter of Zayd died, Abdullah ibn Umar took possession of the dwelling and considered that it was his."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، . أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، وَرِثَ مِنْ حَفْصَةَ بِنْتِ عُمَرَ دَارَهَا قَالَ وَكَانَتْ حَفْصَةُ قَدْ أَسْكَنَتْ بِنْتَ زَيْدِ بْنِ الْخَطَّابِ مَا عَاشَتْ فَلَمَّا تُوُفِّيَتْ بِنْتُ زَيْدٍ قَبَضَ عَبْدُ اللَّهِ بْنُ عُمَرَ الْمَسْكَنَ وَرَأَى أَنَّهُ لَهُ .

USC-MSA web (English) reference : Book 36, Hadith 45
Arabic reference : Book 36, Hadith 1448

Malik related to me from Rabia ibn Abi Abd ar-Rahman from Yazid, the mawla of al-Munbaith that Zayd ibn Khalid al-Juhani said, "A man came to the Messenger of Allah, may Allah bless him and grant him peace, and asked him about finds. He said, 'Memorize the characteristics of the object found, then publicise it for a year. If the owner comes, give it to him. If not, then it is your business.' He said, 'What about lost sheep, Messenger of Allah?' He said,

'They are yours, your brother's or the wolf's.' He said, 'And the lost camel?' He said, 'It's none of your concern. It has its water and its feet. It will reach water and eat trees until its owner finds it.' "

حَدَّثَنِي مَالِكٌ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ، مَوْلَى الْمُنْبَعِثِ عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ، أَنَّهُ قَالَ جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَسَأَلَهُ عَنِ اللُّقَطَةِ . فَقَالَ " اعْرِفْ عِفَاصَهَا وَوِكَاءَهَا ثُمَّ عَرِّفْهَا سَنَةً فَإِنْ جَاءَ صَاحِبُهَا وَإِلاَّ فَشَأْنَكَ بِهَا " . قَالَ فَضَالَّةُ الْغَنَمِ يَا رَسُولَ اللَّهِ قَالَ " هِيَ لَكَ أَوْ لأَخِيكَ أَوْ لِلذِّئْبِ " . قَالَ فَضَالَّةُ الإِبِلِ قَالَ " مَا لَكَ وَلَهَا مَعَهَا سِقَاؤُهَا وَحِذَاؤُهَا تَرِدُ الْمَاءَ وَتَأْكُلُ الشَّجَرَ حَتَّى يَلْقَاهَا رَبُّهَا " .

USC-MSA web (English) reference : Book 36, Hadith 46
Arabic reference : Book 36, Hadith 1449

Malik related to me from Ayyub ibn Musa from Muawiya ibn Abdullah ibn Badr al-Juhani that his father informed him that he stopped with a people on the way to Syria and he found a purse which had eighty dinars in it. He mentioned that to Umar ibn al-Khattab. Umar said to him, "Announce it at the doors of the mosques and mention it to everyone who comes from Syria for a year. When a year passes, it is your business."

وَحَدَّثَنِي مَالِكٌ، عَنْ أَيُّوبَ بْنِ مُوسَى، عَنْ مُعَاوِيَةَ بْنِ عَبْدِ اللَّهِ بْنِ بَدْرٍ الْجُهَنِيِّ، أَنَّ أَبَاهُ، أَخْبَرَهُ أَنَّهُ، نَزَلَ مَنْزِلَ قَوْمٍ بِطَرِيقِ الشَّامِ فَوَجَدَ صُرَّةً فِيهَا ثَمَانُونَ دِينَارًا فَذَكَرَهَا لِعُمَرَ بْنِ الْخَطَّابِ فَقَالَ لَهُ عُمَرُ عَرِّفْهَا عَلَى أَبْوَابِ الْمَسَاجِدِ وَاذْكُرْهَا لِكُلِّ مَنْ يَأْتِي مِنَ الشَّأْمِ سَنَةً فَإِذَا مَضَتِ السَّنَةُ فَشَأْنَكَ بِهَا .

USC-MSA web (English) reference : Book 36, Hadith 47
Arabic reference : Book 36, Hadith 1450

Malik related to me from Nafi that a man found something and went to Abdullah ibn Umar and said to him, "I have found something. What do you think I should do about it?" Abdullah ibn Umar said to him, "Publicise it!" He said, "I have done so." He said, "Do it again." He said, "I have done so." Abdullah said, "I do not order you to use it. If you wished, you could have left it."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّ رَجُلاً، وَجَدَ لُقَطَةً فَجَاءَ إِلَى عَبْدِ اللَّهِ بْنِ عُمَرَ فَقَالَ لَهُ إِنِّي وَجَدْتُ لُقَطَةً فَمَاذَا تَرَى فِيهَا فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ عُمَرَ عَرِّفْهَا . قَالَ قَدْ فَعَلْتُ . قَالَ زِدْ . قَالَ قَدْ فَعَلْتُ . فَقَالَ عَبْدُ اللَّهِ لاَ آمُرُكَ أَنْ تَأْكُلَهَا وَلَوْ شِئْتَ لَمْ تَأْخُذْهَا .

USC-MSA web (English) reference : Book 36, Hadith 48
Arabic reference : Book 36, Hadith 1451

Yahya said that he heard Malik say, "What is done in our community about a slave who finds something and uses it before the term which is set for finds has been reached, and that is a year, is that it is against his person. Either his master gives the price of what his slave has used, or he surrenders his slave to them as compensation. If he withheld it until the term was reached which is set for finds and he used it, it is a debt against him which follows him and it is not against his person and there is nothing against his master in it."

USC-MSA web (English) reference : Book 36, Hadith 48

Malik related to me from Yahya ibn Said from Sulayman ibn Yasar that Thabit ibn ad-Dahhak al-Ansari told him that he had found a camel at Harra, so he hobbled it and mentioned it to Umar ibn al-Khattab and Umar ordered

him to make it known three times. Thabit said to him, "That would distract me from the running of my estate." Umar said to him, "Then let it go where you found it."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ ثَابِتَ بْنَ الضَّحَّاكِ الأَنْصَارِيَّ، أَخْبَرَهُ . أَنَّهُ، وَجَدَ بَعِيرًا بِالْحَرَّةِ فَعَقَلَهُ ثُمَّ ذَكَرَهُ لِعُمَرَ بْنِ الْخَطَّابِ فَأَمَرَهُ عُمَرُ أَنْ يُعَرِّفَهُ ثَلاَثَ مَرَّاتٍ فَقَالَ لَهُ ثَابِتٌ إِنَّهُ قَدْ شَغَلَنِي عَنْ ضَيْعَتِي . فَقَالَ لَهُ عُمَرُ أَرْسِلْهُ حَيْثُ وَجَدْتَهُ .

USC-MSA web (English) reference : Book 36, Hadith 49
Arabic reference : Book 36, Hadith 1452

Malik related to me from Yahya ibn Said from Said ibn al-Musayyab that Umar ibn al-Khattab said while he was leaning his back against the Kaba, "Whoever takes a stray is astray."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ وَهُوَ مُسْنِدٌ ظَهْرَهُ إِلَى الْكَعْبَةِ مَنْ أَخَذَ ضَالَّةً فَهُوَ ضَالٌّ .

USC-MSA web (English) reference : Book 36, Hadith 50
Arabic reference : Book 36, Hadith 1453

Malik related to me that he heard Ibn Shihab say, "The stray camels in the time of Umar ibn al-Khattab were numerous and left alone. No one touched them until the time of Uthman ibn Affan. He ordered that they be publicised and then sold, and if the owner came afterwards, he was given their price."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ سَمِعَ ابْنَ شِهَابٍ، يَقُولُ كَانَتْ ضَوَالُّ الإِبِلِ فِي زَمَانِ عُمَرَ بْنِ الْخَطَّابِ إِبِلاً مُؤَبَّلَةً تَنَاتَجُ لاَ يَمَسُّهَا أَحَدٌ حَتَّى إِذَا كَانَ زَمَانُ عُثْمَانَ بْنِ عَفَّانَ أَمَرَ بِتَعْرِيفِهَا ثُمَّ تُبَاعُ فَإِذَا جَاءَ صَاحِبُهَا أُعْطِيَ ثَمَنَهَا .

USC-MSA web (English) reference : Book 36, Hadith 51
Arabic reference : Book 36, Hadith 1454

Malik related to me from Said ibn Amr Shurahbil ibn Said ibn Sad ibn Ubada from his father that his father said, ''Sad ibn Ubada went out with the Messenger of Allah, may Allah bless him and grant him peace, in one of his raids and his mother was dying in Madina. Someone said to her, 'Leave a testament.' She said, 'In what shall I leave a testament? The property is Sad's property.' Then she died before Sad returned. When Sad ibn Ubada returned, that was mentioned to him. Sad said,

'Messenger of Allah! Will it help her if I give sadaqa for her?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Yes' Sad said, 'Such-and-such a garden is sadaqa for her,' naming the garden."

حَدَّثَنِي مَالِكٌ، عَنْ سَعِيدِ بْنِ عَمْرِو بْنِ شُرَحْبِيلَ بْنِ سَعِيدِ بْنِ سَعْدِ بْنِ عُبَادَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّهُ قَالَ خَرَجَ سَعْدُ بْنُ عُبَادَةَ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي بَعْضِ مَغَازِيهِ فَحَضَرَتْ أُمَّهُ الْوَفَاةُ بِالْمَدِينَةِ فَقِيلَ لَهَا أَوْصِي . فَقَالَتْ فِيمَ أُوصِي إِنَّمَا الْمَالُ مَالُ سَعْدٍ . فَتُوُفِّيَتْ قَبْلَ أَنْ يَقْدَمَ سَعْدٌ فَلَمَّا قَدِمَ سَعْدُ بْنُ عُبَادَةَ ذُكِرَ ذَلِكَ لَهُ فَقَالَ سَعْدٌ

USC-MSA web (English) reference : Book 36, Hadith 52
Arabic reference : Book 36, Hadith 1455

Malik related to me from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that a man said to the Messenger of Allah, may Allah bless him and grant him peace, "My mother died suddenly, and I think that had she spoken, she would have given sadaqa. Shall I give sadaqa for her?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes."

وَحَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَجُلاً قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم إِنَّ أُمِّي افْتُلِتَتْ نَفْسُهَا وَأُرَاهَا لَوْ تَكَلَّمَتْ تَصَدَّقَتْ أَفَأَتَصَدَّقُ عَنْهَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ " .

USC-MSA web (English) reference : Book 36, Hadith 53
Arabic reference : Book 36, Hadith 1456

Malik related to me that he heard that a man of the Ansar from the tribe of Banu al-Harith ibn al-Khazraj, gave sadaqa to his parents and then they died. Their son inherited the property he had given them and it was palm-trees. He asked the Messenger of Allah, may Allah bless him and grant him peace, about it and he said, "You are rewarded for your sadaqa, and take it as your inheritance."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ رَجُلاً، مِنَ الأَنْصَارِ مِنْ بَنِي الْحَارِثِ بْنِ الْخَزْرَجِ تَصَدَّقَ عَلَى أَبَوَيْهِ بِصَدَقَةٍ فَهَلَكَا فَوَرِثَ ابْنُهُمَا الْمَالَ وَهُوَ نَخْلٌ فَسَأَلَ عَنْ ذَلِكَ رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ " قَدْ أُجِرْتَ فِي صَدَقَتِكَ وَخُذْهَا بِمِيرَاثِكَ " .

USC-MSA web (English) reference : Book 36, Hadith 54
Arabic reference : Book 36, Hadith 1457

37 - Wills and Testaments كتاب الوصية

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "It is the duty of a muslim man who has something to be given as a bequest not to spend two nights without writing a will about it."

Malik said, "The generally agreed-on way of doing things in our community is that when the testator writes something in health or illness as a bequest, and it has freeing slaves or things other than that in it, he can alter it in any way he chooses, until he is on his deathbed. If he prefers to abandon a bequest or change it, he can do so unless he has made a slave mudabbar (to be freed after his death). If he has made him mudabbar, there is no way to change what he has made mudabbar. He is allowed to change his testament because the Messenger of Allah, may Allah bless him and grant him peace, said, "It is the duty of a muslim man who has something to be given as a bequest not to spend two nights without writing a will about it."

Malik explained, "Had the testator not been able to change his will nor what was mentioned in it about freeing slaves, each testator might withhold making bequests from his property, whether in freeing slaves or other than it. A man gives a bequest in his health and in his travelling." (i.e. he does not wait till his death bed) .

Malik summed up, "The way of doing things in our community about which there is no dispute is that he can change whatever he likes of that except for the mudabbar."

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَا حَقُّ امْرِئٍ مُسْلِمٍ لَهُ شَىْءٌ يُوصَى فِيهِ يَبِيتُ لَيْلَتَيْنِ إِلاَّ وَوَصِيَّتُهُ عِنْدَهُ مَكْتُوبَةٌ " .

USC-MSA web (English) reference : Book 37, Hadith 1
Arabic reference : Book 37, Hadith 1458

Malik related to me from Abdullah ibn Abi Bakr ibn Hazm that Amr ibn Sulaym az-Zuraqi informed his father that it had been said to Umar ibn al-Khattab, "There is here an adolescent boy who has not yet reached puberty. He is from the Ghassan tribe and his heir is in ash- Sham. He has property. Here he only has the daughter of one of his paternal uncles." Umar ibn al-Khattab instructed, "Let him leave her a bequest." He willed her a property called the well of Jusham.

Malik added, "That property was sold for 30,000 dirhams, and the daughter of the paternal uncle to whom he willed it was the mother of Amr ibn Sulaym az-Zuraqi."

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، عَنْ أَبِيهِ، أَنَّ عَمْرَو بْنَ سُلَيْمٍ الزُّرَقِيَّ، أَخْبَرَهُ أَنَّهُ، قِيلَ لِعُمَرَ بْنِ الْخَطَّابِ إِنَّ هَا هُنَا غُلاَمًا يَفَاعًا لَمْ يَحْتَلِمْ مِنْ غَسَّانَ وَوَارِثُهُ بِالشَّامِ وَهُوَ ذُو مَالٍ وَلَيْسَ لَهُ هَا هُنَا إِلاَّ ابْنَةُ عَمٍّ لَهُ . قَالَ عُمَرُ بْنُ الْخَطَّابِ فَلْيُوصِ لَهَا . قَالَ فَأَوْصَى لَهَا بِمَالٍ يُقَالُ لَهُ بِئْرُ جُشَمٍ قَالَ عَمْرُو بْنُ سُلَيْمٍ فَبِيعَ ذَلِكَ الْمَالُ بِثَلاَثِينَ أَلْفَ دِرْهَمٍ وَابْنَةُ عَمِّهِ الَّتِي أَوْصَى لَهَا هِيَ أُمُّ عَمْرِو بْنِ سُلَيْمٍ الزُّرَقِيِّ .

USC-MSA web (English) reference : Book 37, Hadith 2
Arabic reference : Book 37, Hadith 1459

Malik related to me from Yahya ibn Said from Abu Bakr ibn Hazm that a boy from Ghassan was dying in Madina while his heir was in Syria. That was mentioned to Umar ibn al-Khattab. It was said to him, "So-and-so is dying. Shall he make a bequest?" He said, "Let him make a bequest."

Yahya ibn Said said that Abu Bakr had said, "He was a boy of ten or twelve years." Yahya said, "He willed the well of Jusham, and his people sold it for 30,000 dirhams."
Yahya said that he heard Malik say, "The generally agreed-on way of doing things in our community is that a simpleton, an idiot, or a lunatic who recovers at times, can make wills if they have enough of their wits about them to recognise what they will. Someone who has not enough wits to recognise what he wills, and is overcome in his intellect, cannot make a bequest."
وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرِ بْنِ حَزْمٍ، أَنَّ غُلاَمًا، مِنْ غَسَّانَ حَضَرَتْهُ الْوَفَاةُ بِالْمَدِينَةِ وَوَارِثُهُ بِالشَّامِ فَذُكِرَ ذَلِكَ لِعُمَرَ بْنِ الْخَطَّابِ فَقِيلَ لَهُ إِنَّ فُلاَنًا يَمُوتُ أَفَيُوصِي قَالَ فَلْيُوصِ . قَالَ يَحْيَى بْنُ سَعِيدٍ قَالَ أَبُو بَكْرٍ وَكَانَ الْغُلاَمُ ابْنَ عَشْرِ سِنِينَ أَوِ اثْنَتَىْ عَشْرَةَ سَنَةً . قَالَ فَأَوْصَى بِبِئْرِ جُشَمٍ فَبَاعَهَا أَهْلُهَا بِثَلاَثِينَ أَلْفَ دِرْهَمٍ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ الضَّعِيفَ فِي عَقْلِهِ وَالسَّفِيهَ وَالْمُصَابَ الَّذِي يُفِيقُ أَحْيَانًا تَجُوزُ وَصَايَاهُمْ إِذَا كَانَ مَعَهُمْ مِنْ عُقُولِهِمْ مَا يَعْرِفُونَ مَا يُوصُونَ بِهِ فَأَمَّا مَنْ لَيْسَ مَعَهُ مِنْ عَقْلِهِ مَا يَعْرِفُ بِذَلِكَ مَا يُوصِي بِهِ وَكَانَ مَغْلُوبًا عَلَى عَقْلِهِ فَلاَ وَصِيَّةَ لَهُ .

USC-MSA web (English) reference : Book 37, Hadith 3
Arabic reference : Book 37, Hadith 1460

Malik related to me from Ibn Shihab from Amir ibn Sad ibn Abi Waqqas that his father said, "The Messenger of Allah, may Allah bless him and grant him peace, came to me to treat me for a pain which became hard to bear in the year of the farewell hajj. I said, 'Messenger of Allah, you can see how far the pain has reached me. I have property and only my daughter inherits from me. Shall I give two thirds of my property as sadaqa?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'No.' I said, 'Half?' He said, 'No.' Then the Messenger of Allah, may Allah bless him and grant him peace, said, 'A third, and a third is a lot. Leaving your heirs rich is better than leaving them poor to beg from people. You never spend anything on maintenance desiring the Face of Allah by it, but that you are rewarded for it, even what you appoint for your wife.' Sad said, 'Messenger of Allah, will I be left here in Makka after my companions have departed for Madina?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'If you are left behind, and do sound deeds you will increase your degree and elevation by them. Perhaps you will be left behind so that some people may benefit by you and others may be harmed by you. O Allah! complete their hijra for my companions, and do not turn them back on their heels. The unfortunate one is Said ibn Khawla.' The Messenger of Allah, may Allah bless him and grant him peace, was distressed on his account for he had died at Makka."

Yahya said that he heard Malik speak about a man who willed a third of his property to a man and said as well, "My slave will serve so-and-so (another man) for as long as he lives, then he is free," then that was looked into, and the slave was found to be a third of the property of the deceased. Malik said, "The service of the slave is evaluated. Then the two of them divide it between them. The one who was willed a third takes his third, as a share, and the one who was willed the service of the slave takes what was evaluated for him of the slave's service. Each of them takes, from the service of the slave or from his wage if he has a wage, according to his share. If the one who was given the service of the slave for as long as he lived dies, then the slave is freed."
Yahya said that he heard Malik speak about someone who willed his third and said "So-and-so has such- and-such, and so-and-so has such-and-such," naming some of his property, and his heirs protested that it was more than a third." Malik said, "The heirs then have an option between giving the beneficiaries their full bequests and taking the rest of the property of the deceased, or between dividing among the beneficiaries the third of the property of the deceased and surrendering to them their third. If they wish, their rights in it reach as far as they reach."

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عَامِرِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ، عَنْ أَبِيهِ، أَنَّهُ قَالَ جَاءَنِي رَسُولُ اللَّهِ صلى الله عليه وسلم يَعُودُنِي عَامَ حَجَّةِ الْوَدَاعِ مِنْ وَجَعٍ اشْتَدَّ بِي فَقُلْتُ يَا رَسُولَ اللَّهِ قَدْ بَلَغَ بِي مِنَ الْوَجَعِ مَا تَرَى وَأَنَا ذُو مَالٍ وَلاَ يَرِثُنِي إِلاَّ ابْنَةٌ لِي أَفَأَتَصَدَّقُ بِثُلُثَىْ مَالِي قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ " . فَقُلْتُ فَالشَّطْرُ قَالَ " لاَ " . ثُمَّ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " الثُّلُثُ وَالثُّلُثُ كَثِيرٌ إِنَّكَ أَنْ تَذَرَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَذَرَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ وَإِنَّكَ لَنْ تُنْفِقَ نَفَقَةً تَبْتَغِي بِهَا وَجْهَ اللَّهِ إِلاَّ أُجِرْتَ حَتَّى مَا تَجْعَلُ فِي فِي امْرَأَتِكَ " . قَالَ فَقُلْتُ يَا رَسُولَ اللَّهِ أَأُخَلَّفُ بَعْدَ أَصْحَابِي فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّكَ لَنْ تُخَلَّفَ فَتَعْمَلَ عَمَلاً صَالِحًا إِلاَّ ازْدَدْتَ بِهِ دَرَجَةً وَرِفْعَةً وَلَعَلَّكَ أَنْ تُخَلَّفَ حَتَّى يَنْتَفِعَ بِكَ أَقْوَامٌ وَيُضَرَّ بِكَ آخَرُونَ اللَّهُمَّ أَمْضِ لأَصْحَابِي هِجْرَتَهُمْ وَلاَ تَرُدَّهُمْ عَلَى أَعْقَابِهِمْ لَكِنِ الْبَائِسُ سَعْدُ ابْنُ خَوْلَةَ يَرْثِي لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ مَاتَ بِمَكَّةَ " .

USC-MSA web (English) reference : Book 37, Hadith 4
Arabic reference : Book 37, Hadith 1461

Yahya said that he heard Malik say, "The best of what I have heard about the testament of a pregnant woman and about what settlements she is permitted in her property is that the pregnant woman is like the sick person. When the illness is light, and one does not fear for the sick person, he does with his property what he likes. If the illness is such that his life is feared for, he can only dispose of a third of his estate."

He said, "It is the same with a woman who is pregnant. The beginning of pregnancy is good news and joy. It is not illness and no fear because Allah the Blessed, the Exalted, said in His Book, 'We gave her good news of Ishaq and after Ishaq, Yaqub.' (Sura ll ayat 71). And He said, 'She bore a light burden and passed by with it, but when she became heavy, they called upon Allah, their Lord, "If you give us a good-doing son, we will be among the thankful." '(Sura 7 ayat 189).
"When a pregnant woman becomes heavy, she is only permitted to dispose of a third of her estate. The beginning of this restriction is after six months. Allah, the Blessed, the Exalted, said in His Book, 'Mothers suckle their children for two complete years.' And He said, 'his bearing and weaning are thirty months.' (Sura 2 ayat 233).
"When six months have passed for the pregnant woman from the day she conceived, she is only permitted to dispose of a third of her property."
Yahya said that he heard Malik say, "A man who is advancing in the row for battle, can only dispose of a third of his property. He is in the same position as a pregnant woman or an ill person who is feared for, as long as he is in that situation."

USC-MSA web (English) reference : Book 37, Hadith 4

Yahya said that he heard Malik say, "This ayat is abrogated. It is the word of Allah, the Blessed, the Exalted, 'If he leaves goods, the testament is for parents and kinsmen.' What came down about the division of the fixed shares of inheritance in the Book of Allah, the Mighty, the Exalted, abrogated it."

Yahya said that he heard Malik say, "The established sunna with us, in which there is no dispute, is that it is not permitted for a testator to make a bequest (in addition to the fixed share) in favour of an heir, unless the other heirs permit him. If some of them permit him and others refuse, he is allowed to diminish the share of those who have given their permission. Those who refuse take their full share from the inheritance.
Yahya said that he heard Malik speak about an invalid who made a bequest and asked his heirs to give him permission to make a bequest when he was so ill that he only had command of a third of his property, and they gave him permission to leave some of his heirs more than his third. Malik said, "They cannot revoke that. Had they been

permitted to do so, every heir would have done that, and then, when the testator died, they would take that for themselves and prevent him from bequeathing his third and what was permitted to him with respect to his property."
Malik said, "If he asks permission of his heirs to grant a bequest to an heir while he is well and they give him permission, that is not binding on them. The heirs can rescind that if they wish. That is because when a man is well, he is entitled to all his property and can do what he wishes with it. If he wishes, he can spend all of it. He can spend it and give sadaqa with it or give it to whomever he likes. His asking permission of his heirs is permitted for the heirs, when they give him permission when authority over all his property is closed off from him and nothing outside of the third is permitted to him, and when they are more entitled to the two-thirds of his property than he is himself. That is when their permission becomes relevant. If he asks one of the heirs to give his inheritance to him when he is dying, and the heir agrees and then the dying man does not dispose of it at all, it is returned to the one who gave it unless the deceased said to him, 'So-and-so - (one of his heirs) - is weak, and I would like you to give him your inheritance.' So he gives it to him. That is permitted when the deceased specified it for him."
Malik said, "When a man gives the dying man free use of his share of the inheritance, and the dying man distributes some of it and some remains, it is returned to the giver, after the man has died."
Yahya said that he heard Malik speak about someone who made a bequest and mentioned that he had given one of his heirs something which he had not taken possession of, so the heirs refused to permit that. Malik said, "That gift returns to the heirs as inheritance according to the Book of Allah because the deceased did not mean that to be taken out of the third and the heirs do not have a portion in the third (which the dying man is allowed to bequeath)."
USC-MSA web (English) reference : Book 37, Hadith 4

Malik said from Hisham ibn Urwa from his father that an effeminate man was with Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace. He said to Abdullah ibn Abi Umayya while the Messenger of Allah, may Allah bless him and grant him peace, was listening. "Abdullah! If Allah grants you victory over Ta'if tomorrow, I will lead you to the daughter of Ghailan. She has four folds on her front and eight folds on her back." The Messenger of Allah, may Allah bless him and grant him peace, said, "This sort of man should not enter freely with you." (It was customary to allow men with no sexual inclination to enter freely where there were women).

حَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ مُخَنَّثًا، كَانَ عِنْدَ أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم . فَقَالَ لِعَبْدِ اللَّهِ بْنِ أَبِي أُمَيَّةَ وَرَسُولُ اللَّهِ صلى الله عليه وسلم يَسْمَعُ يَا عَبْدَ اللَّهِ إِنْ فَتَحَ اللَّهُ عَلَيْكُمُ الطَّائِفَ غَدًا فَأَنَا أَدُلُّكَ عَلَى ابْنَةِ غَيْلاَنَ فَإِنَّهَا تُقْبِلُ بِأَرْبَعٍ وَتُدْبِرُ بِثَمَانٍ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ يَدْخُلَنَّ هَؤُلاَءِ عَلَيْكُمْ " .

USC-MSA web (English) reference : Book 37, Hadith 5
Arabic reference : Book 37, Hadith 1462

Malik related to me that Yahya ibn Said said that he heard al- Qasim ibn Muhammad say, "A woman of the Ansar was married to Umar ibn al-Khattab. She bore Asim ibn Umar to him, and then he separated from her. Umar came to Quba and found his son Asim playing in the courtyard of the mosque. He took him by the arm and placed him before him on his mount. The grandmother of the child saw him and argued with Umar about the child so they went to Abu Bakr as-Siddiq. Umar said, 'My son.' The woman said, 'My son.' Abu Bakr said, 'Do not interfere between a child and its mother.' Umar did not repeat his words."

Yahya said that he heard Malik say, "This is what I would have done in that situation."
وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ سَمِعْتُ الْقَاسِمَ بْنَ مُحَمَّدٍ، يَقُولُ كَانَتْ عِنْدَ عُمَرَ بْنِ الْخَطَّابِ امْرَأَةٌ مِنَ الأَنْصَارِ فَوَلَدَتْ لَهُ عَاصِمَ بْنَ عُمَرَ ثُمَّ إِنَّهُ فَارَقَهَا فَجَاءَ عُمَرُ قُبَاءً فَوَجَدَ ابْنَهُ عَاصِمًا يَلْعَبُ بِفِنَاءِ الْمَسْجِدِ فَأَخَذَ بِعَضُدِهِ فَوَضَعَهُ بَيْنَ يَدَيْهِ

عَلَى الدَّابَّةِ فَأَدْرَكَتْهُ جَدَّةُ الْغُلاَمِ فَنَازَعَتْهُ إِيَّاهُ حَتَّى أَتَيَا أَبَا بَكْرٍ الصِّدِّيقَ فَقَالَ عُمَرُ ابْنِي . وَقَالَتِ الْمَرْأَةُ ابْنِي . فَقَالَ أَبُو بَكْرٍ خَلِّ بَيْنَهَا وَبَيْنَهُ . قَالَ فَمَا رَاجَعَهُ عُمَرُ الْكَلاَمَ . قَالَ وَسَمِعْتُ مَالِكًا يَقُولُ وَهَذَا الأَمْرُ الَّذِي آخُذُ بِهِ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 37, Hadith 6
Arabic reference : Book 37, Hadith 1463

Yahya said that he heard Malik speak about a man who bought goods - animals or clothes or wares, and the sale was found not to be permitted so it was revoked and the one who had taken the goods was ordered to return the owner his goods. Malik said, "The owner of the goods only has their value on the day they were taken from him, and not on the day they are returned to him. That is because the man is liable for them from the day he took them and whatever loss is in them after that is against him. For that reason, their increase and growth are also his. A man may take the goods at a time when they are selling well and are in demand, and then have to return them at a time when they have fallen in price and no one wants them. For instance, the man may take the goods from the other man, and sell them for ten dinars or keep them while their price is that. Then he may have to return them while their price is only a dinar. He should not go off with nine dinars from the man's property. Or perhaps they are taken by the man, and he sells them for a dinar or keeps them, while their price is only a dinar, then he has to return them, and their value on the day he returns them is ten dinars. The one who took them does not have to pay nine dinars from his property to the owner. He is only obliged to pay the value of what he took possession of on the day it was taken ."

He said, "Part of what clarifies this is that when a thief steals goods, only their price on the day he stole them is looked at. If cutting off the hand is necessary because of it, that is done. If the cutting off is delayed, either because the thief is imprisoned until his situation is examined or he flees and then is caught, the delay of the cutting off of the hand does not make the hadd, which was obliged for him on the day he stole, fall from him even if those goods become cheap after that. Nor does delay oblige cutting off the hand if it was not obliged on the day he took those goods, even if they become expensive after that."

USC-MSA web (English) reference : Book 37, Hadith 6

Malik related to me from Yahya ibn Said that Abu'd-Darda wrote to Salman al-Farsi, "Come immediately to the holy land." Salman wrote back to him, "Land does not make anyone holy. Man's deeds make him holy. I have heard that you were put up as a doctor to treat and cure people. If you are innocent, then may you have delight! If you are a quack, then beware lest you kill a man and enter the Fire!" When Abu'd-Darda judged between two men, and they turned from him to go, he would look at them and say, "Come back to me, and tell me your story again. A quack! By Allah!"

Yahya said that he heard Malik say, "If someone makes use of a slave, without permission of its master, in anything important to him, whose like has a fee, he is liable for what befalls the slave if anything befalls him. If the slave is safe and his master asks for his wage for what he has done, that is the master's right. This is what is done in our community."

Yahya said that he heard Malik say about a slave who is part free and part enslaved, "His property is suspended in his hand and he cannot begin anything with it. He eats from it and clothes himself in an approved fashion. If he dies, his property belongs to the one to whom he is in slavery."

Yahya said that he heard Malik say, "The way of doing things in our community is that a parent can take his child to account for what he spends on him from the day the child has property, cash or goods, if the parent wants that."

حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ أَبَا الدَّرْدَاءِ، كَتَبَ إِلَى سَلْمَانَ الْفَارِسِيِّ أَنْ هَلُمَّ إِلَى الأَرْضِ الْمُقَدَّسَةِ فَكَتَبَ إِلَيْهِ سَلْمَانُ إِنَّ الأَرْضَ لاَ تُقَدِّسُ أَحَدًا وَإِنَّمَا يُقَدِّسُ الإِنْسَانَ عَمَلُهُ وَقَدْ بَلَغَنِي أَنَّكَ جُعِلْتَ طَبِيبًا تُدَاوِي فَإِنْ كُنْتَ تُبْرِئُ فَنِعِمَّا لَكَ وَإِنْ كُنْتَ

مُتَطَبِّبًا فَاحْذَرْ أَنْ تَقْتُلَ إِنْسَانًا فَتَدْخُلَ النَّارَ . فَكَانَ أَبُو الدَّرْدَاءِ إِذَا قَضَى بَيْنَ اثْنَيْنِ ثُمَّ أَدْبَرَا عَنْهُ نَظَرَ إِلَيْهِمَا وَقَالَ ارْجِعَا إِلَىَّ أَعِيدَا عَلَىَّ قِصَّتَكُمَا مُتَطَبِّبٌ وَاللَّهِ . قَالَ وَسَمِعْتُ مَالِكًا يَقُولُ مَنِ اسْتَعَانَ عَبْدًا بِغَيْرِ إِذْنِ سَيِّدِهِ فِي شَىْءٍ لَهُ بَالٌ وَلِمِثْلِهِ إِجَارَةٌ فَهُوَ ضَامِنٌ لِمَا أَصَابَ الْعَبْدَ إِنْ أُصِيبَ الْعَبْدُ بِشَىْءٍ وَإِنْ سَلِمَ الْعَبْدُ فَطَلَبَ سَيِّدُهُ إِجَارَتَهُ لِمَا عَمِلَ فَذَلِكَ لِسَيِّدِهِ وَهُوَ الأَمْرُ عِنْدَنَا . قَالَ وَسَمِعْتُ مَالِكًا يَقُولُ فِي الْعَبْدِ يَكُونُ بَعْضُهُ حُرًّا وَبَعْضُهُ مُسْتَرَقًّا إِنَّهُ يُوقَفُ مَالُهُ بِيَدِهِ وَلَيْسَ لَهُ أَنْ يُحْدِثَ فِيهِ شَيْئًا وَلَكِنَّهُ يَأْكُلُ فِيهِ وَيَكْتَسِي بِالْمَعْرُوفِ فَإِذَا هَلَكَ فَمَالُهُ لِلَّذِي بَقِيَ لَهُ فِيهِ الرِّقُّ . قَالَ وَسَمِعْتُ مَالِكًا يَقُولُ الأَمْرُ عِنْدَنَا أَنَّ الْوَالِدَ يُحَاسِبُ وَلَدَهُ بِمَا أَنْفَقَ عَلَيْهِ مِنْ يَوْمِ يَكُونُ لِلْوَلَدِ مَالٌ - نَاضًّا كَانَ أَوْ عَرْضًا - إِنْ أَرَادَ الْوَالِدُ ذَلِكَ .

USC-MSA web (English) reference : Book 37, Hadith 7
Arabic reference : Book 37, Hadith 1464

Malik related to me from Umar ibn Abd ar-Rahman ibn Dalaf al- Muzani from his father that a man from the Juhayna tribe used to buy camels before people set out for hajj and sell them at a higher price. Then he travelled quickly and used to arrive in Makka before the others who set out for hajj. He went bankrupt and his situation was put before Umar ibn al-Khattab, who said, "O People! al-Usayfi, al- Usayfi of the Juhayna, was satisfied with his deen and his trust because it was said of him that he arrived before the others on hajj. He used to incur debts which he was not careful to repay, so all of his property has been eaten up by it. Whoever has a debt against him, let him come to us tomorrow and we will divide his property between his creditors. Beware of debts! Their beginning is a worry and their end is destitution. "

وَحَدَّثَنِي مَالِكٌ، عَنْ عُمَرَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ دَلاَفٍ الْمُزَنِيِّ، عَنْ أَبِيهِ، أَنَّ رَجُلاً، مِنْ جُهَيْنَةَ كَانَ يَسْبِقُ الْحَاجَّ فَيَشْتَرِي الرَّوَاحِلَ فَيُغْلِي بِهَا ثُمَّ يُسْرِعُ السَّيْرَ فَيَسْبِقُ الْحَاجَّ فَأَفْلَسَ فَرُفِعَ أَمْرُهُ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ أَمَّا بَعْدُ أَيُّهَا النَّاسُ فَإِنَّ الأُسَيْفِعَ أُسَيْفِعَ جُهَيْنَةَ رَضِيَ مِنْ دِينِهِ وَأَمَانَتِهِ بِأَنْ يُقَالَ سَبَقَ الْحَاجَّ أَلاَ وَإِنَّهُ قَدْ دَانَ مُعْرِضًا فَأَصْبَحَ قَدْ رِينَ بِهِ فَمَنْ كَانَ لَهُ عَلَيْهِ دَيْنٌ فَلْيَأْتِنَا بِالْغَدَاةِ نَقْسِمُ مَالَهُ بَيْنَهُمْ وَإِيَّاكُمْ وَالدَّيْنَ فَإِنَّ أَوَّلَهُ هَمٌّ وَآخِرَهُ حَرْ[illegible] .

USC-MSA web (English) reference : Book 37, Hadith 8
Arabic reference : Book 37, Hadith 1465

Yahya said that he heard Malik say, "The sunna with us about the crime of slaves is that the hand is not cut off for any harm that a slave causes a man, or something he pilfers, or something guarded which he steals, or hanging dates he cuts down or ruins, or steals. That is against the slave's person and does not exceed the price of the slave whether it is little or much. If his master wishes to give the value of what the slave took or ruined, or pay the blood-price for the injury, he pays it and keeps his slave. If he wishes to surrender him, he surrenders him, and none of that is against him. The master has the option in that."

USC-MSA web (English) reference : Book 37, Hadith 8

Malik related to me from Ibn Shihab from Said ibn al-Musayyab that Uthman ibn Affan said, "If someone gives something to his small child who is not old enough to look after it himself, and in order that his gift might be permitted he makes the gift public and has it witnessed, the gift is permitted, even if the father keeps charge of it."

Malik said, "What is done in our community is that if a man gives his small child some gold or silver and then dies and he has it in his own keeping, the child has none of it unless the father set it aside in coin or placed it with a man to keep for the son. If he does that, it is permitted for the son."

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، قَالَ مَنْ نَحَلَ وَلَدًا لَهُ صَغِيرًا لَمْ يَبْلُغْ أَنْ يَحُوزَ نُحْلَهُ فَأَعْلَنَ ذَلِكَ لَهُ وَأَشْهَدَ عَلَيْهَا فَهِيَ جَائِزَةٌ وَإِنْ وَلِيَهَا أَبُوهُ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّ مَنْ نَحَلَ ابْنًا لَهُ صَغِيرًا ذَهَبًا أَوْ وَرِقًا ثُمَّ هَلَكَ وَهُوَ يَلِيهِ إِنَّهُ لاَ شَىْءَ لِلاِبْنِ مِنْ ذَلِكَ إِلاَّ أَنْ يَكُونَ الأَبُ عَزَلَهَا بِعَيْنِهَا أَوْ دَفَعَهَا إِلَى رَجُلٍ وَضَعَهَا لاِبْنِهِ عِنْدَ ذَلِكَ الرَّجُلِ فَإِنْ فَعَلَ ذَلِكَ فَهُوَ جَائِزٌ لِلاِبْنِ .

USC-MSA web (English) reference : Book 37, Hadith 9
Arabic reference : Book 37, Hadith 1466

38 - Setting Free and Wala' كتاب العتق والولاء

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace,said, "If a man frees his share of a slave and has enough money to cover the full price of the slave justly evaluated for him, he must buy out his partners so that the slave is completely freed. If he doesn't have the money, he partially frees him.

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ أَعْتَقَ شِرْكًا لَهُ فِي عَبْدٍ فَكَانَ لَهُ مَالٌ يَبْلُغُ ثَمَنَ الْعَبْدِ قُوِّمَ عَلَيْهِ قِيمَةَ الْعَدْلِ فَأَعْطَى شُرَكَاءَهُ حِصَصَهُمْ وَعَتَقَ عَلَيْهِ الْعَبْدُ وَإِلاَّ فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ " .

USC-MSA web (English) reference : Book 38, Hadith 1
Arabic reference : Book 38, Hadith 1467

Malik said, "The generally agreed-on way of doing things among us in the case of slave whose master makes a bequest to free part of him - a third, a fourth, a half, or any share after his death, is that only the portion of him is freed that his master has named. This is because the freeing of that portion is only obliged to take place after the death of the master because the master has the option to withdraw the bequest as long as he lives. When the slave is freed from his master, the master is a testator and the testator only has access to free what he can take from his property, being the third of the property he is allowed to bequeath, and the rest of the slave is not free because the man's property has gone out of his hands. How can the rest of the slave which belongs to other people be free when they did not initiate the setting free and did not confirm it and they do not have the wala' established for them? Only the deceased could do that. He was the one who freed him and the one for whom the wala' was confirmed. That is not to be borne by another's property unless he bequeaths within the third of his property what remains of a lave to be freed. That is a request against his partners and inheritors and the partners must not refuse the slave that when it is within the third of the dead man's property because there is no harm in that to the inheritors."

Malik said, "If a man frees a third of his slave while he is critically ill, he must complete the emancipation so all of him is free from him, if it is within the third of his property that he has access to, because he is not treated in the same way as a man who frees a third of a slave after his death, because had the one who freed a third of his slave after his death lived, he could have cancelled it and the slave's being set free would be of no effect. The master who made the freeing of the third of the slave irrevocable in his illness, would still have to free all of him if he lived. If he died, the slave would be set free within the third of the bequest. That is because the command of the deceased is permissible in his third as the command of the healthy is permissible in all his property."

USC-MSA web (English) reference : Book 38, Hadith 1

Malik said, "A master who frees a slave of his and settles his emancipation so that his testimony is permitted, his inviolability complete, and his right to inherit confirmed, cannot impose stipulations on him like what he imposes on a slave about property or service, nor get him to do anything of slavery, because the Messenger of Allah, may Allah bless him and grant him peace, said, "If a man frees his share of a slave and has enough money to cover the full price of the slave justly evaluated for him, he must give his partners their shares so the slave is completely free."

Malik commented, "If he owns the slave completely, it is more proper to free him completely and not mingle any slavery with it."

USC-MSA web (English) reference : Book 38, Hadith 2

Malik related to me from Yahya ibn Said and somebody else from al-Hasan ibn Abi al-Hasan al-Basri and from Muhammad ibn Sirin that a man in the time of the Messenger of Allah, may Allah bless him and grant him peace,

freed six of his slaves while he was dying. The Messenger of Allah, may Allah bless him and grant him peace, drew lots between them and freed a third of those slaves.

Malik added that he had heard that the man did not have any property other than them.

حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، وَعَنْ غَيْرِ، وَاحِدٍ، عَنِ الْحَسَنِ بْنِ أَبِي الْحَسَنِ الْبَصْرِيِّ، وَعَنْ مُحَمَّدِ بْنِ سِيرِينَ، أَنَّ رَجُلاً، فِي زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم أَعْتَقَ عَبِيدًا لَهُ سِتَّةً عِنْدَ مَوْتِهِ فَأَسْهَمَ رَسُولُ اللَّهِ صلى الله عليه وسلم بَيْنَهُمْ فَأَعْتَقَ ثُلُثَ تِلْكَ الْعَبِيدِ . قَالَ مَالِكٌ وَبَلَغَنِي أَنَّهُ لَمْ يَكُنْ لِذَلِكَ الرَّجُلِ مَالٌ غَيْرُهُمْ .

USC-MSA web (English) reference : Book 38, Hadith 3
Arabic reference : Book 38, Hadith 1468

Malik related to me from Rabia ibn Abi Abd ar-Rahman that a man in the time of Aban ibn Uthman's amirate freed all of his slaves and did not have other property than them. Aban ibn Uthman took charge of the slaves and they were divided into three groups. Then he drew lots on the basis that which ever group drew the dead man's arrow would be free. The arrow fell to one of the thirds, and that third was freed.

وَحَدَّثَنِي مَالِكٌ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ رَجُلاً، فِي إِمَارَةِ أَبَانَ بْنِ عُثْمَانَ أَعْتَقَ رَقِيقًا لَهُ كُلَّهُمْ جَمِيعًا وَلَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُمْ فَأَمَرَ أَبَانُ بْنُ عُثْمَانَ بِتِلْكَ الرَّقِيقِ فَقُسِمَتْ أَثْلاَثًا ثُمَّ أَسْهَمَ عَلَى أَيِّهِمْ يَخْرُجُ سَهْمُ الْمَيِّتِ فَيَعْتِقُونَ فَوَقَعَ السَّهْمُ عَلَى أَحَدِ الأَثْلاَثِ فَعَتَقَ الثُّلُثُ الَّذِي وَقَعَ عَلَيْهِ السَّهْمُ .

USC-MSA web (English) reference : Book 38, Hadith 4
Arabic reference : Book 38, Hadith 1469

Malik related to me that he heard Ibn Shihab say, "The precedent of the sunna is that when a slave is freed, his property follows him."

Malik said, "One thing which makes clear that the property of a slave follows him when he is freed is that when the contract (mukatab) is written for his freedom, his property follows him even if he did not stipulate it. That is because the bond of kitaba is the bond of wala' when it is complete. The property of a slave and a mukatab is not treated in the same way as any children they may have. Their children are only treated in the same way as their own slaves, not in the same way as their property. This is because the sunna, in which there is no dispute, is that when a slave is freed, his property follows him and his children do not follow him, and when a mukatab writes the contract for his freedom, his property follows him and his children do not follow him."

Malik said, "One thing which makes that clear is that when a slave or a mukatab are bankrupt, their property is taken but the mothers of their children and their children are not taken because they are not their property."

Malik said, "Another thing which makes it clear is that when a slave is sold and the person who buys him stipulates the inclusions of his property, his children are not included in his property."

Malik said, "Another thing which makes it clear is that when a slave does injure some one, he and his property are taken, and his children are not taken."

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ سَمِعَهُ يَقُولُ مَضَتِ السُّنَّةُ أَنَّ الْعَبْدَ إِذَا عَتَقَ تَبِعَهُ مَالُهُ . قَالَ مَالِكٌ وَمِمَّا يُبَيِّنُ ذَلِكَ أَنَّ الْعَبْدَ إِذَا عَتَقَ تَبِعَهُ مَالُهُ أَنَّ الْمُكَاتَبَ إِذَا كُوتِبَ تَبِعَهُ مَالُهُ وَإِنْ لَمْ يَشْتَرِطْهُ وَذَلِكَ أَنَّ عَقْدَ الْكِتَابَةِ هُوَ عَقْدُ الْوَلاَءِ إِذَا تَمَّ ذَلِكَ وَلَيْسَ مَالُ الْعَبْدِ وَالْمُكَاتَبِ بِمَنْزِلَةِ مَا كَانَ لَهُمَا مِنْ وَلَدٍ إِنَّمَا أَوْلاَدُهُمَا بِمَنْزِلَةِ رِقَابِهِمَا لَيْسُوا بِمَنْزِلَةِ أَمْوَالِهِمَا لأَنَّ السُّنَّةَ الَّتِي لاَ اخْتِلاَفَ فِيهَا أَنَّ الْعَبْدَ إِذَا عَتَقَ تَبِعَهُ مَالُهُ وَلَمْ يَتْبَعْهُ وَلَدُهُ وَأَنَّ الْمُكَاتَبَ إِذَا كُوتِبَ تَبِعَهُ مَالُهُ وَلَمْ يَتْبَعْهُ وَلَدُهُ . قَالَ مَالِكٌ وَمِمَّا يُبَيِّنُ ذَلِكَ أَيْضًا أَنَّ

الْعَبْدَ وَالْمُكَاتَبَ إِذَا أَفْلَسَا أُخِذَتْ أَمْوَالُهُمَا وَأُمَّهَاتُ أَوْلاَدِهِمَا وَلَمْ تُؤْخَذْ أَوْلاَدُهُمَا لأَنَّهُمْ لَيْسُوا بِأَمْوَالٍ لَهُمَا . قَالَ مَالِكٌ وَمِمَّا يُبَيِّنُ ذَلِكَ أَيْضًا أَنَّ الْعَبْدَ إِذَا بِيعَ وَاشْتَرَطَ الَّذِي ابْتَاعَهُ مَالَهُ لَمْ يَدْخُلْ وَلَدُهُ فِي مَالِهِ . قَالَ مَالِكٌ وَمِمَّا يُبَيِّنُ ذَلِكَ أَيْضًا أَنَّ الْعَبْدَ إِذَا جَرَحَ أُخِذَ هُوَ وَمَالُهُ وَلَمْ يُؤْخَذْ وَلَدُهُ .

USC-MSA web (English) reference : Book 38, Hadith 5
Arabic reference : Book 38, Hadith 1470

Malik related to me from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab said, "If a slave-girl gives birth to a child by her master, he must not sell her, give her away, or bequeath her. He enjoys her and when he dies she is free ."

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ أَيُّمَا وَلِيدَةٍ وَلَدَتْ مِنْ سَيِّدِهَا فَإِنَّهُ لاَ يَبِيعُهَا وَلاَ يَهَبُهَا وَلاَ يُوَرِّثُهَا وَهُوَ يَسْتَمْتِعُ بِهَا فَإِذَا مَاتَ فَهِيَ حُرَّةٌ .

USC-MSA web (English) reference : Book 38, Hadith 6
Arabic reference : Book 38, Hadith 1471

Malik related to me that he had heard that a slave-girl came to Umar ibn al-Khattab (who had been beaten by her master with a red hot iron) and he set her free.

Malik said, "The generally agreed- on way of doing things among us is that a man is not permitted to be freed while he has a debt against him which exceeds his property. A boy is not allowed to be set free until he has reached puberty. The young person whose affairs are managed cannot set free in his property, even when he reaches puberty, until he manages his property."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، أَتَتْهُ وَلِيدَةٌ قَدْ ضَرَبَهَا سَيِّدُهَا بِنَارٍ أَوْ أَصَابَهَا بِهَا فَأَعْتَقَهَا . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّهُ لاَ تَجُوزُ عَتَاقَةُ رَجُلٍ وَعَلَيْهِ دَيْنٌ يُحِيطُ بِمَالِهِ وَأَنَّهُ لاَ تَجُوزُ عَتَاقَةُ الْغُلاَمِ حَتَّى يَحْتَلِمَ أَوْ يَبْلُغَ مَبْلَغَ الْمُحْتَلِمِ وَأَنَّهُ لاَ تَجُوزُ عَتَاقَةُ الْمُوَلَّى عَلَيْهِ فِي مَالِهِ وَإِنْ بَلَغَ الْحُلُمَ حَتَّى يَلِيَ مَالَهُ .

USC-MSA web (English) reference : Book 38, Hadith 7
Arabic reference : Book 38, Hadith 1472

Malik related to me from Hilal ibn Usama from Ata ibn Yasar that Umar ibn al-Hakam said, "I went to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah, a slave girl of mine was tending my sheep. I came to her and one of the sheep was lost. I asked her about it and she said that a wolf had eaten it, so I became angry and I am one of the children of Adam, so I struck her on the face. As it happens, I have to set a slave free, shall I free her?' The Messenger of Allah, may Allah bless him and grant him peace, questioned her, 'Where is Allah?' She said, 'In heaven.' He said, 'Who am I?' She said, 'You are the Messenger of Allah.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Free her.' "

حَدَّثَنِي مَالِكٌ، عَنْ هِلاَلِ بْنِ أُسَامَةَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ عُمَرَ بْنِ الْحَكَمِ، أَنَّهُ قَالَ أَتَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم فَقُلْتُ يَا رَسُولَ اللَّهِ إِنَّ جَارِيَةً لِي كَانَتْ تَرْعَى غَنَمًا لِي فَجِئْتُهَا وَقَدْ فُقِدَتْ شَاةٌ مِنَ الْغَنَمِ فَسَأَلْتُهَا عَنْهَا فَقَالَتْ أَكَلَهَا الذِّئْبُ

فَأَسِفْتُ عَلَيْهَا وَكُنْتُ مِنْ بَنِي آدَمَ فَلَطَمْتُ وَجْهَهَا وَعَلَىَّ رَقَبَةٌ أَفَأُعْتِقُهَا فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " أَيْنَ اللَّهُ " . فَقَالَتْ فِي السَّمَاءِ . فَقَالَ " مَنْ أَنَا " . فَقَالَتْ أَنْتَ رَسُولُ اللَّهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَعْتِقْهَا " .

USC-MSA web (English) reference : Book 38, Hadith 8
Arabic reference : Book 38, Hadith 1473

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud that one of the Ansar came to the Messenger of Allah, may Allah bless him and grant him peace, with a black slave- girl of his. He said, "Messenger of Allah, I must set a slave free who is a mumina. If you think that she is mumina, I will free her." The Messenger of Allah, may Allah bless him and grant him peace, questioned her, "Do you testify that there is no god but Allah?" She said, "Yes." "Do you testify that Muhammad is the Messenger of Allah?" She said, "Yes." "Are you certain about the rising after death?" She said, "Yes." The Messenger of Allah, may Allah bless him and grant him peace, said, "Free her."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، أَنَّ رَجُلاً، مِنَ الأَنْصَارِ جَاءَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم بِجَارِيَةٍ لَهُ سَوْدَاءَ فَقَالَ يَا رَسُولَ اللَّهِ إِنَّ عَلَىَّ رَقَبَةً مُؤْمِنَةً فَإِنْ كُنْتَ تَرَاهَا مُؤْمِنَةً أُعْتِقُهَا . فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " أَتَشْهَدِينَ أَنْ لاَ إِلَهَ إِلاَّ اللَّهُ " . قَالَتْ نَعَمْ . قَالَ " أَتَشْهَدِينَ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ قَالَتْ نَعَمْ . قَالَ " أَتُوقِنِينَ بِالْبَعْثِ بَعْدَ الْمَوْتِ " . قَالَتْ نَعَمْ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَعْتِقْهَا " .

USC-MSA web (English) reference : Book 38, Hadith 9
Arabic reference : Book 38, Hadith 1474

Malik related to me that he had heard that al-Maqburi said that Abu Hurayra was asked whether a man who had to free a slave, could free an illegitimate child to fulfil that obligation. Abu Hurayra said, "Yes. That will give satisfaction for him."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ عَنِ الْمَقْبُرِيِّ، أَنَّهُ قَالَ سُئِلَ أَبُو هُرَيْرَةَ عَنِ الرَّجُلِ، تَكُونُ عَلَيْهِ رَقَبَةٌ هَلْ يُعْتِقُ فِيهَا ابْنَ زِنًا فَقَالَ أَبُو هُرَيْرَةَ نَعَمْ ذَلِكَ يُجْزِئُ عَنْهُ .

USC-MSA web (English) reference : Book 38, Hadith 10
Arabic reference : Book 38, Hadith 1475

Malik related to me that he had heard that Fadala ibn Ubayd al- Ansari who was one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, was asked whether it was permissible for a man who had to free a slave to free an illegitimate child. He said, "Yes, That will give satisfaction for him."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ عَنْ فَضَالَةَ بْنِ عُبَيْدٍ الأَنْصَارِيِّ، وَكَانَ، مِنْ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم أَنَّهُ سُئِلَ عَنِ الرَّجُلِ تَكُونُ عَلَيْهِ رَقَبَةٌ هَلْ يَجُوزُ لَهُ أَنْ يُعْتِقَ وَلَدَ زِنًا قَالَ نَعَمْ ذَلِكَ يُجْزِئُ عَنْهُ .

USC-MSA web (English) reference : Book 38, Hadith 11
Arabic reference : Book 38, Hadith 1476

Malik related to me that he had heard that Abdullah ibn Umar was asked whether a slave could be bought on the specific condition that it was to be used to fulfil the obligation of freeing a slave, and he said, "No."

Malik said, "That is the best of what I have heard on the obligation of freeing slaves. Someone who has to set a slave free because of an obligation on him, may not buy one on the condition that he sets it free because if he does that, whatever he buys is not completely a slave because he has reduced its price by the condition he has made of setting it free."
Malik added, "There is no harm, however, in someone buying a person expressly to set him free."
Malik said, "The best of what I have heard on the obligation of freeing slaves is that it is not permitted to free a christian or a jew to fulfil it, and one does not free a mukatab or a mudabbar or an umm walad or a slave to be freed after a certain number of years, or a blind person. There is no harm in freeing a christian, jew, or magian voluntarily, because Allah, the Blessed, the Exalted, said in His Book, 'either as a favour then or by ransom,' (Sura 47 ayat 4) The favour is setting free."
Malik said, "As for obligations of freeing slaves which Allah has mentioned in the Book, one only frees a mumin slave for them."
Malik said, "It is like that in feeding poor people for kaffara. One must only feed muslims and one does not feed anyone outside of the deen of Islam."

حَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، سُئِلَ عَنِ الرَّقَبَةِ الْوَاجِبَةِ، هَلْ تُشْتَرَى بِشَرْطٍ فَقَالَ لاَ . قَالَ مَالِكٌ وَذَلِكَ أَحْسَنُ مَا سَمِعْتُ فِي الرِّقَابِ الْوَاجِبَةِ أَنَّهُ لاَ يَشْتَرِيهَا الَّذِي يُعْتِقُهَا فِيمَا وَجَبَ عَلَيْهِ بِشَرْطٍ عَلَى أَنْ يُعْتِقَهَا لأَنَّهُ إِذَا فَعَلَ ذَلِكَ فَلَيْسَتْ بِرَقَبَةٍ تَامَّةٍ لأَنَّهُ يَضَعُ مِنْ ثَمَنِهَا لِلَّذِي يَشْتَرِطُ مِنْ عِتْقِهَا . قَالَ مَالِكٌ وَلاَ بَأْسَ أَنْ يَشْتَرِيَ الرَّقَبَةَ فِي التَّطَوُّعِ وَيَشْتَرِطَ أَنْ يُعْتِقَهَا . قَالَ مَالِكٌ إِنَّ أَحْسَنَ مَا سُمِعَ فِي الرِّقَابِ الْوَاجِبَةِ أَنَّهُ لاَ يَجُوزُ أَنْ يُعْتَقَ فِيهَا نَصْرَانِيٌّ وَلاَ يَهُودِيٌّ وَلاَ يُعْتَقُ فِيهَا مُكَاتَبٌ وَلاَ مُدَبَّرٌ وَلاَ أُمُّ وَلَدٍ وَلاَ مُعْتَقٌ إِلَى سِنِينَ وَلاَ أَعْمَى وَلاَ بَأْسَ أَنْ يُعْتَقَ النَّصْرَانِيُّ وَالْيَهُودِيُّ وَالْمَجُوسِيُّ تَطَوُّعًا لأَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ فِي كِتَابِهِ {فَإِمَّا مَنًّا بَعْدُ وَإِمَّا فِدَاءً} فَالْمَنُّ الْعَتَاقَةُ . قَالَ مَالِكٌ فَأَمَّا الرِّقَابُ الْوَاجِبَةُ الَّتِي ذَكَرَ اللَّهُ فِي الْكِتَابِ فَإِنَّهُ لاَ يُعْتَقُ فِيهَا إِلاَّ رَقَبَةٌ مُؤْمِنَةٌ . قَالَ مَالِكٌ وَكَذَلِكَ فِي إِطْعَامِ الْمَسَاكِينِ فِي الْكَفَّارَاتِ لاَ يَنْبَغِي أَنْ يُطْعَمَ فِيهَا إِلاَّ الْمُسْلِمُونَ وَلاَ يُطْعَمُ فِيهَا أَحَدٌ عَلَى غَيْرِ دِينِ الإِسْلاَمِ .

USC-MSA web (English) reference : Book 38, Hadith 12
Arabic reference : Book 38, Hadith 1477

Malik related to me from Abd ar-Rahman ibn Abi Amra al-Ansari that his mother had wanted to make a bequest, but she delayed until morning and died. She had intended to set someone free, so Abd ar- Rahman said, 'I said to al-Qasim ibn Muhammad, 'Will it help her if I free a slave for her?' Al-Qasim replied, 'Sad ibn Ubada said to the Messenger of Allah, may Allah bless him and grant him peace, 'My mother died, will it help her if I set a slave free for her?' The Messenger of Allah, may Allah bless him and grant him peace, said "Yes." "'

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَمْرَةَ الأَنْصَارِيِّ، أَنَّ أُمَّهُ، أَرَادَتْ أَنْ تُوصِيَ ثُمَّ أَخَّرَتْ ذَلِكَ إِلَى أَنْ تُصْبِحَ فَهَلَكَتْ وَقَدْ كَانَتْ هَمَّتْ بِأَنْ تُعْتِقَ فَقَالَ عَبْدُ الرَّحْمَنِ فَقُلْتُ لِلْقَاسِمِ بْنِ مُحَمَّدٍ أَيَنْفَعُهَا أَنْ أُعْتِقَ عَنْهَا فَقَالَ الْقَاسِمُ إِنَّ سَعْدَ بْنَ عُبَادَةَ قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم إِنَّ أُمِّي هَلَكَتْ فَهَلْ يَنْفَعُهَا أَنْ أُعْتِقَ عَنْهَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ " .

USC-MSA web (English) reference : Book 38, Hadith 13
Arabic reference : Book 38, Hadith 1478

Malik related to me that Yahya ibn Said said, "Abd ar-Rahman ibn Abi Bakr died in his sleep, and A'isha, the wife of the Prophet, may Allah bless him and grant him peace, set free many slaves for him." Malik said, "This is what I like best of what I have heard on the subject."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ تُوُفِّيَ عَبْدُ الرَّحْمَنِ بْنُ أَبِي بَكْرٍ فِي نَوْمٍ نَامَهُ فَأَعْتَقَتْ عَنْهُ عَائِشَةُ زَوْجُ النَّبِيِّ صلى الله عليه وسلم رِقَابًا كَثِيرَةً . قَالَ مَالِكٌ وَهَذَا أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ .

USC-MSA web (English) reference : Book 38, Hadith 14
Arabic reference : Book 38, Hadith 1479

Malik related to me from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, was asked what was the most excellent kind of slave to free. The Messenger of Allah, May Allah bless him and grant him peace, answered, "The most expensive and the most valuable to his master."

حَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سُئِلَ عَنِ الرِّقَابِ أَيُّهَا أَفْضَلُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَغْلاَهَا ثَمَنًا وَأَنْفَسُهَا عِنْدَ أَهْلِهَا " .

USC-MSA web (English) reference : Book 38, Hadith 15
Arabic reference : Book 38, Hadith 1480

Malik related to me from Nafi that Abdullah ibn Umar freed an illegitimate child and its mother.

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ أَعْتَقَ وَلَدَ زِنًا وَأُمَّهُ .

USC-MSA web (English) reference : Book 38, Hadith 16
Arabic reference : Book 38, Hadith 1481

Malik related to me from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Barira came to me and said, 'I have written myself as mukatab for my people for nine uqiyas, one uqiya per year, so help me.' A'isha said, 'If your people agree that I pay it all to them for you, and that if I pay it, your wala' is mine, then I will do it.' Barira went to her masters and told them that and they didn't agree. She came back from her masters while the Messenger of Allah, may Allah bless him and grant him peace, was sitting. She said to A'isha, 'I offered that to them and they refused me unless they had the wala'.' The Messenger of Allah, may Allah bless him and grant him peace, heard that and asked her about it A'isha told him and the Messenger of Allah, may Allah bless him and grant him peace, said, 'Take her and stipulate that the wala' is yours, for the wala' is for the one who sets free.' So A'isha did that and then the Messenger of Allah, may Allah bless him and grant him peace, stood up in front of the people, and praised Allah and gave thanks to Him. Then he said, 'What is wrong with the people who make conditions which are not in the Book of Allah? Any condition which is not in the Book of Allah is invalid even if it is a hundred conditions. The decree of Allah is truer and the conditions of Allah are firmer, and the wala' only belongs to the one who sets free.' "

حَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ جَاءَتْ بَرِيرَةُ فَقَالَتْ إِنِّي كَاتَبْتُ أَهْلِي عَلَى تِسْعِ أَوَاقٍ فِي كُلِّ عَامٍ أُوقِيَّةٌ فَأَعِينِينِي . فَقَالَتْ عَائِشَةُ إِنْ أَحَبَّ أَهْلُكِ أَنْ أَعُدَّهَا لَهُمْ عَنْكِ عَدَدْتُهَا وَيَكُونَ لِي وَلاَؤُكِ فَعَلْتُ . فَذَهَبَتْ بَرِيرَةُ إِلَى أَهْلِهَا فَقَالَتْ لَهُمْ ذَلِكَ فَأَبَوْا عَلَيْهَا فَجَاءَتْ مِنْ عِنْدِ أَهْلِهَا وَرَسُولُ اللَّهِ صلى الله عليه وسلم

جَالِسٌ فَقَالَتْ لِعَائِشَةَ إِنِّي قَدْ عَرَضْتُ عَلَيْهِمْ ذَلِكَ فَأَبَوْا عَلَىَّ إِلاَّ أَنْ يَكُونَ الْوَلاَءُ لَهُمْ . فَسَمِعَ ذَلِكَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَسَأَلَهَا فَأَخْبَرَتْهُ عَائِشَةُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " خُذِيهَا وَاشْتَرِطِي لَهُمُ الْوَلاَءَ فَإِنَّمَا الْوَلاَءُ لِمَنْ أَعْتَقَ " . فَفَعَلَتْ عَائِشَةُ ثُمَّ قَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم فِي النَّاسِ فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ ثُمَّ قَالَ " أَمَّا بَعْدُ فَمَا بَالُ رِجَالٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فِي كِتَابِ اللَّهِ مَا كَانَ مِنْ شَرْطٍ لَيْسَ فِي كِتَابِ اللَّهِ فَهُوَ بَاطِلٌ وَإِنْ كَانَ مِائَةَ شَرْطٍ قَضَاءُ اللَّهِ أَحَقُّ وَشَرْطُ اللَّهِ أَوْثَقُ وَإِنَّمَا الْوَلاَءُ لِمَنْ أَعْتَقَ " .

USC-MSA web (English) reference : Book 38, Hadith 17
Arabic reference : Book 38, Hadith 1482

Malik related to me from Nafi from Abdullah ibn Umar that A'isha umm al-muminin wanted to buy a slave-girl and set her free. Her people said, "We will sell her to you provided that her wala' is ours." She mentioned that to the Messenger of Allah, may Allah bless him and grant him peace, and he said, "Don't let that hinder you, for the wala' only belongs to the one who sets free."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ، أَرَادَتْ أَنْ تَشْتَرِيَ جَارِيَةً تُعْتِقُهَا فَقَالَ أَهْلُهَا نَبِيعُكِهَا عَلَى أَنَّ وَلاَءَهَا لَنَا فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ " لاَ يَمْنَعَنَّكِ ذَلِكِ فَإِنَّمَا الْوَلاَءُ لِمَنْ أَعْتَقَ " .

USC-MSA web (English) reference : Book 38, Hadith 18
Arabic reference : Book 38, Hadith 1483

Malik related to me from Yahya ibn Said from Amra bint Abd ar- Rahman that Barira came asking the help of A'isha, umm al-muminin. A'isha said, "If your masters agree that I pay them your price in one lump sum and set you free I will do it." Barira mentioned that to her masters and they said, "No, not unless your wala' is ours." Yahya ibn Said added that Amra bint Abd ar-Rahman claimed that A'isha mentioned that to the Messenger of Allah, may Allah bless him and grant him peace, and the Messenger of Allah, may Allah bless him and grant him peace said, "Buy her and set her free. The wala' only belongs to the one who sets free."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّ بَرِيرَةَ، جَاءَتْ تَسْتَعِينُ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ فَقَالَتْ عَائِشَةُ إِنْ أَحَبَّ أَهْلُكِ أَنْ أَصُبَّ لَهُمْ ثَمَنَكِ صَبَّةً وَاحِدَةً وَأُعْتِقَكِ فَعَلْتُ . فَذَكَرَتْ ذَلِكَ بَرِيرَةُ لأَهْلِهَا فَقَالُوا لاَ إِلاَّ أَنْ يَكُونَ لَنَا وَلاَؤُكِ . قَالَ يَحْيَى بْنُ سَعِيدٍ فَزَعَمَتْ عَمْرَةُ أَنَّ عَائِشَةَ ذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اشْتَرِيهَا وَأَعْتِقِيهَا فَإِنَّمَا الْوَلاَءُ لِمَنْ أَعْتَقَ " .

USC-MSA web (English) reference : Book 38, Hadith 19
Arabic reference : Book 38, Hadith 1484

Malik related to me from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade selling or giving away the wala'.

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ بَيْعِ الْوَلاَءِ وَعَنْ هِبَتِهِ .

USC-MSA web (English) reference : Book 38, Hadith 20

Arabic reference : Book 38, Hadith 1485

Malik said that it was not permissible for a slave to buy himself from his master on the provision that he could give the wala' to whomever he wished as the wala' was for the one who set him free, and that had a man given permission to his mawla to give the wala' to whomever he wished, that would not have been permitted, because the Messenger of Allah, may Allah bless him and grant him peace, had said, "The wala' is for the one who sets free. " The Messenger of Allah, may Allah bless him and grant him peace, forbade selling or giving away the wala'. For if it was permitted to the master to stipulate that for him and to give him permission to give the wala' to whomever he liked, that would be a gift.

USC-MSA web (English) reference : Book 38, Hadith 20

Malik related to me from Rabia ibn Abd ar-Rahman that az-Zubayr ibn al-Awwam bought a slave and set him free. The slave had children by a free woman. When az-Zubayr freed him, he said, "They are my mawali." The man argued, "They are the mawali of their mother. Rather, they are our mawali." They took the dispute to Uthman ibn Affan, and Uthman gave a judgement that az-Zubayr had their wala'.

حَدَّثَنِي مَالِكٌ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، . أَنَّ الزُّبَيْرَ بْنَ الْعَوَّامِ، اشْتَرَى عَبْدًا فَأَعْتَقَهُ وَلِذَلِكَ الْعَبْدِ بَنُونَ مِن امْرَأَةٍ حُرَّةٍ فَلَمَّا أَعْتَقَهُ الزُّبَيْرُ قَالَ هُمْ مَوَالِيَّ . وَقَالَ مَوَالِي أُمِّهِمْ بَلْ هُمْ مَوَالِينَا . فَاخْتَصَمُوا إِلَى عُثْمَانَ بْنِ عَفَّانَ فَقَضَى عُثْمَانُ لِلزُّبَيْرِ بِوَلاَئِهِمْ .

USC-MSA web (English) reference : Book 38, Hadith 21
Arabic reference : Book 38, Hadith 1486

Malik related to me that he had heard that Said ibn al-Musayyab was asked who had the wala' of the children whom a slave had by a free woman. Said said, "If their father dies and he is a slave who was not set free, their wala' belongs to the mawali of their mother."

Malik said, "That is like the child of a woman who is a mawla who has been divorced by lian; the child is attached to the mawali of his mother and they are his mawali. If he dies, they inherit from him. If he commits a crime, they pay the blood-money for him. If his father acknowledges him, he is given a kinship to him and his wala' goes to the mawali of his father. They are his heirs, they pay his blood-money and his father is punished with the hadd-punishment."

Malik said, "It is like that with a free-born woman divorced by lian. If her husband who curses her by lian does not acknowledge her child, the child is dealt with in the same way except that the rest of his inheritance after the inheritance of his mother and his brothers from his mother goes to all the muslims as long as he was not given kinship to his father. The child of the lian is attached to the patronage of the mawali of his mother until his father acknowledges him because he does not have a lineage or paternal relations. If his lineage is confirmed, it goes to his paternal relations."

Malik said, "The generally agreed-on way of doing things among us about a child of a slave by a free woman, while the father of the slave is free, is that the grandfather (the father of the slave), attracts the wala' of his son's free children by a free woman. They leave their inheritance to him as long as their father is a slave. If the father becomes free, the wala' returns to his mawali. If he dies and he is still a slave, the inheritance and the wala' go to the grandfather. If the slave has two free sons, and one of them dies while the father is still a slave, the grandfather, the father of the father, attracts the wala' and the inheritance."

Malik spoke about a slave-girl who was set free while she was pregnant and her husband was a slave and then her husband became free before she gave birth, or after she gave birth. He said, "The wala' of what is in her womb goes to the person who set the mother free because slavery touched the child before the mother was set free. It is not treated in the same way as a child conceived by its mother after she has been set free because the wala' of such a child, is attracted by the father when he is set free."

Malik said that if a slave asked his master's permission to free a slave of his and his master gave permission, the wala' of the freed slave went to the master of his master, and his wala' did not return to the master who had set him free, even if he were to become free himself."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، سُئِلَ عَنْ عَبْدٍ لَهُ، وَلَدٌ مِنِ امْرَأَةٍ حُرَّةٍ لِمَنْ وَلاَؤُهُمْ فَقَالَ سَعِيدٌ إِنْ مَاتَ أَبُوهُمْ وَهُوَ عَبْدٌ لَمْ يُعْتَقْ فَوَلاَؤُهُمْ لِمَوَالِي أُمِّهِمْ . قَالَ مَالِكٌ وَمَثَلُ ذَلِكَ وَلَدُ الْمُلاَعَنَةِ مِنَ الْمَوَالِي يُنْسَبُ إِلَى مَوَالِي أُمِّهِ فَيَكُونُونَ هُمْ مَوَالِيَهُ إِنْ مَاتَ وَرِثُوهُ وَإِنْ جَرَّ جَرِيرَةً عَقَلُوا عَنْهُ فَإِنِ اعْتَرَفَ بِهِ أَبُوهُ أُلْحِقَ بِهِ وَصَارَ وَلاَؤُهُ إِلَى مَوَالِي أَبِيهِ وَكَانَ مِيرَاثُهُ لَهُمْ وَعَقْلُهُ عَلَيْهِمْ وَيُجْلَدُ أَبُوهُ الْحَدَّ . قَالَ مَالِكٌ وَكَذَلِكَ الْمَرْأَةُ الْمُلاَعِنَةُ مِنَ الْعَرَبِ إِذَا اعْتَرَفَ زَوْجُهَا الَّذِي لاَعَنَهَا بِوَلَدِهَا صَارَ بِمِثْلِ هَذِهِ الْمَنْزِلَةِ إِلاَّ أَنَّ بَقِيَّةَ مِيرَاثِهِ بَعْدَ مِيرَاثِ أُمِّهِ وَإِخْوَتِهِ لأُمِّهِ لِعَامَّةِ الْمُسْلِمِينَ مَا لَمْ يُلْحَقْ بِأَبِيهِ وَإِنَّمَا وَرَّثَ وَلَدُ الْمُلاَعَنَةِ الْمُوَالاَةَ مَوَالِيَ أُمِّهِ قَبْلَ أَنْ يَعْتَرِفَ بِهِ أَبُوهُ لأَنَّهُ لَمْ يَكُنْ لَهُ نَسَبٌ وَلاَ عَصَبَةٌ فَلَمَّا ثَبَتَ نَسَبُهُ صَارَ إِلَى عَصَبَتِهِ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا فِي وَلَدِ الْعَبْدِ مِنِ امْرَأَةٍ حُرَّةٍ وَأَبُو الْعَبْدِ حُرٌّ أَنَّ الْجَدَّ أَبَا الْعَبْدِ يَجُرُّ وَلاَءَ وَلَدِ ابْنِهِ الأَحْرَارِ مِنِ امْرَأَةٍ حُرَّةٍ يَرِثُهُمْ مَا دَامَ أَبُوهُمْ عَبْدًا فَإِنْ عَتَقَ أَبُوهُمْ رَجَعَ الْوَلاَءُ إِلَى مَوَالِيهِ وَإِنْ مَاتَ وَهُوَ عَبْدٌ كَانَ الْمِيرَاثُ وَالْوَلاَءُ لِلْجَدِّ وَإِنِ الْعَبْدُ كَانَ لَهُ ابْنَانِ حُرَّانِ فَمَاتَ أَحَدُهُمَا وَأَبُوهُ عَبْدٌ جَرَّ الْجَدُّ أَبُو الأَبِ الْوَلاَءَ وَالْمِيرَاثَ . قَالَ مَالِكٌ فِي الأَمَةِ تُعْتَقُ وَهِيَ حَامِلٌ وَزَوْجُهَا مَمْلُوكٌ ثُمَّ يَعْتِقُ زَوْجُهَا قَبْلَ أَنْ تَضَعَ حَمْلَهَا أَوْ بَعْدَ مَا تَضَعُ إِنَّ وَلاَءَ مَا كَانَ فِي بَطْنِهَا لِلَّذِي أَعْتَقَ أُمَّهُ لأَنَّ ذَلِكَ الْوَلَدَ قَدْ كَانَ أَصَابَهُ الرِّقُّ قَبْلَ أَنْ تُعْتَقَ أُمُّهُ وَلَيْسَ هُوَ بِمَنْزِلَةِ الَّذِي تَحْمِلُ بِهِ أُمُّهُ بَعْدَ الْعَتَاقَةِ لأَنَّ الَّذِي تَحْمِلُ بِهِ أُمُّهُ بَعْدَ الْعَتَاقَةِ إِذَا أُعْتِقَ أَبُوهُ جَرَّ وَلاَءَهُ . قَالَ مَالِكٌ فِي الْعَبْدِ يَسْتَأْذِنُ سَيِّدَهُ أَنْ يُعْتِقَ عَبْدًا لَهُ فَيَأْذَنَ لَهُ سَيِّدُهُ إِنَّ وَلاَءَ الْعَبْدِ الْمُعْتَقِ

USC-MSA web (English) reference : Book 38, Hadith 21
Arabic reference : Book 38, Hadith 1487

Malik related to me from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from Abd al-Malik ibn Abi Bakr ibn Abd ar-Rahman ibn al- Harith ibn Hisham that his father told him that al-Asi ibn Hisham had died and left three sons, two by one wife and one by another wife. One of the two with the same mother died and left property and mawali. His full brother inherited his property and the wala' of his mawali. Then he also died, and left as heirs his son and his paternal half brother. His son said, "I obtain what my father inherited of property and the wala' of the mawali." His brother said, "It is not like that. You obtain the property. As for the wala' of the mawali, it is not so. Do you think that had it been my first brother who died today, I would not have inherited from him?" They argued and went to Uthman ibn Affan. He gave a judgement that the brother had the wala' of the mawali.

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِيهِ، أَنَّهُ أَخْبَرَهُ أَنَّ الْعَاصِيَ بْنَ هِشَامٍ هَلَكَ وَتَرَكَ بَنِينَ لَهُ ثَلاَثَةً اثْنَانِ لأُمٍّ وَرَجُلٌ لِعَلَّةٍ فَهَلَكَ أَحَدُ اللَّذَيْنِ لأُمٍّ وَتَرَكَ مَالاً وَمَوَالِيَ فَوَرِثَهُ أَخُوهُ لأَبِيهِ وَأُمِّهِ مَالَهُ وَوَلاَءَهُ مَوَالِيهِ ثُمَّ هَلَكَ الَّذِي وَرِثَ الْمَالَ وَوَلاَءَ الْمَوَالِي وَتَرَكَ ابْنَهُ وَأَخَاهُ لأَبِيهِ فَقَالَ ابْنُهُ قَدْ أَحْرَزْتُ مَا كَانَ أَبِي أَحْرَزَ مِنَ الْمَالِ وَوَلاَءِ الْمَوَالِي وَقَالَ أَخُوهُ لَيْسَ كَذَلِكَ إِنَّمَا أَحْرَزْتَ الْمَالَ وَأَمَّا وَلاَءُ الْمَوَالِي فَلاَ أَرَأَيْتَ لَوْ هَلَكَ أَخِي الْيَوْمَ أَلَسْتُ أَرِثُهُ أَنَا فَاخْتَصَمَا إِلَى عُثْمَانَ بْنِ عَفَّانَ فَقَضَى لأَخِيهِ بِوَلاَءِ الْمَوَالِي .

USC-MSA web (English) reference : Book 38, Hadith 22
Arabic reference : Book 38, Hadith 1488

Malik related to me from Abdullah ibn Abi Bakr ibn Hazm that his father told him that he was sitting with Aban ibn Uthman, and an argument was brought to him between some people from the Juhayna tribe and some people from the Banu al-Harith ibn al-Khazraj. A woman of the Juhayna tribe was married to a man from the Banu al-Harith ibn al- Khazraj, called Ibrahim ibn Kulayb. She died and left property and mawali, and her son and husband inherited them from her. Then her son died and his heirs said, "We have the wala' of the mawali. Her son obtained them." Those of the Juhayna said, "It is not like that. They are the mawali of our female associate. When her child died, we have their wala' and we inherit them." Aban ibn Uthman gave a judgement that the people from the Juhayna tribe did indeed have the wala' of the mawali.

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، أَنَّهُ أَخْبَرَهُ أَبُوهُ، أَنَّهُ كَانَ جَالِسًا عِنْدَ أَبَانَ بْنِ عُثْمَانَ فَاخْتَصَمَ إِلَيْهِ نَفَرٌ مِنْ جُهَيْنَةَ وَنَفَرٌ مِنْ بَنِي الْحَارِثِ بْنِ الْخَزْرَجِ وَكَانَتِ امْرَأَةٌ مِنْ جُهَيْنَةَ عِنْدَ رَجُلٍ مِنْ بَنِي الْحَارِثِ بْنِ الْخَزْرَجِ يُقَالُ لَهُ إِبْرَاهِيمُ بْنُ كُلَيْبٍ فَمَاتَتِ الْمَرْأَةُ وَتَرَكَتْ مَالاً وَمَوَالِيَ فَوَرِثَهَا ابْنُهَا وَزَوْجُهَا ثُمَّ مَاتَ ابْنُهَا فَقَالَ وَرَثَتُهُ لَنَا وَلاَءُ الْمَوَالِي قَدْ كَانَ ابْنُهَا أَحْرَزَهُ فَقَالَ الْجُهَنِيُّونَ لَيْسَ كَذَلِكَ إِنَّمَا هُمْ مَوَالِي صَاحِبَتِنَا فَإِذَا مَاتَ وَلَدُهَا فَلَنَا وَلاَؤُهُمْ وَنَحْنُ نَرِثُهُمْ فَقَضَى أَبَانُ بْنُ عُثْمَانَ لِلْجُهَنِيِّينَ بِوَلاَءِ الْمَوَالِي .

USC-MSA web (English) reference : Book 38, Hadith 23
Arabic reference : Book 38, Hadith 1489

Malik related to me that he had heard that Said ibn al-Musayyab spoke about a man who died and left three sons and left mawali whom he had freed. Then two of his sons died and left children. He said, "The third remaining son inherits the mawali. When he dies, his children and the children of his brothers share equally in the wala' of the mawali."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، قَالَ فِي رَجُلٍ هَلَكَ وَتَرَكَ بَنِينَ لَهُ ثَلاَثَةً وَتَرَكَ مَوَالِيَ أَعْتَقَهُمْ هُوَ عَتَاقَةً ثُمَّ إِنَّ الرَّجُلَيْنِ مِنْ بَنِيهِ هَلَكَا وَتَرَكَا أَوْلاَدًا . فَقَالَ سَعِيدُ بْنُ الْمُسَيَّبِ يَرِثُ الْمَوَالِيَ الْبَاقِي مِنَ الثَّلاَثَةِ فَإِذَا هَلَكَ هُوَ فَوَلَدُهُ وَوَلَدُ إِخْوَتِهِ فِي وَلاَءِ الْمَوَالِي شَرَعٌ سَوَاءٌ .

USC-MSA web (English) reference : Book 38, Hadith 24
Arabic reference : Book 38, Hadith 1490

Malik related to me that he had asked Ibn Shihab about a slave who was released. He said, "He gives his wala' to whomever he likes. If he dies and has not given his wala' to anyone, his inheritance goes to the muslims and his blood-money is paid by them."

Malik said, "The best of what has been heard about a slave who is released is that no one gets his wala', and his inheritance goes to the muslims, and they pay his blood-money."
Malik said that when the slave of a jew or christian became muslim and he was freed before being sold, the wala' of the freed slave went to the muslims. If the jew or christian became muslim afterwards, the wala' did not revert to him. "
He said, "However, if a jew or christian frees a slave from their own deen, and then the freed one becomes muslim before the jew or christian who freed him becomes muslim and then the one who freed him has become muslim, his wala' reverts to him because the wala' was confirmed for him on the day he freed him."
Malik said that the muslim child of a jew or christian inherited the mawali of his jewish or christian father when the freed mawla became muslim before the one who freed him became muslim. If the freed one was already muslim

when he was freed, the muslim children of the christian or jew had nothing of the wala' of a muslim slave because the jew and the christian did not have the wala'. The wala' of a muslim slave went to the community of muslims.

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ السَّائِبَةِ، قَالَ يُوَالِي مَنْ شَاءَ فَإِنْ مَاتَ وَلَمْ يُوَالِ أَحَدًا فَمِيرَاثُهُ لِلْمُسْلِمِينَ وَعَقْلُهُ عَلَيْهِمْ . قَالَ مَالِكٌ إِنَّ أَحْسَنَ مَا سُمِعَ فِي السَّائِبَةِ أَنَّهُ لاَ يُوَالِي أَحَدًا وَأَنَّ مِيرَاثَهُ لِلْمُسْلِمِينَ وَعَقْلَهُ عَلَيْهِمْ . قَالَ مَالِكٌ فِي الْيَهُودِيِّ وَالنَّصْرَانِيِّ يُسْلِمُ عَبْدُ أَحَدِهِمَا فَيُعْتِقُهُ قَبْلَ أَنْ يُبَاعَ عَلَيْهِ إِنَّ وَلاَءَ الْعَبْدِ الْمُعْتَقِ لِلْمُسْلِمِينَ وَإِنْ أَسْلَمَ الْيَهُودِيُّ أَوِ النَّصْرَانِيُّ بَعْدَ ذَلِكَ لَمْ يَرْجِعْ إِلَيْهِ الْوَلاَءُ أَبَدًا . قَالَ وَلَكِنْ إِذَا أَعْتَقَ الْيَهُودِيُّ أَوِ النَّصْرَانِيُّ عَبْدًا عَلَى دِينِهِمَا ثُمَّ أَسْلَمَ الْمُعْتَقُ قَبْلَ أَنْ يُسْلِمَ الْيَهُودِيُّ أَوِ النَّصْرَانِيُّ الَّذِي أَعْتَقَهُ ثُمَّ أَسْلَمَ الَّذِي أَعْتَقَهُ رَجَعَ إِلَيْهِ الْوَلاَءُ لأَنَّهُ قَدْ كَانَ ثَبَتَ لَهُ الْوَلاَءُ يَوْمَ أَعْتَقَهُ . قَالَ مَالِكٌ وَإِنْ كَانَ لِلْيَهُودِيِّ أَوِ النَّصْرَانِيِّ وَلَدٌ مُسْلِمٌ وَرِثَ مَوَالِيَ أَبِيهِ الْيَهُودِيِّ أَوِ النَّصْرَانِيِّ إِذَا أَسْلَمَ الْمَوْلَى الْمُعْتَقُ قَبْلَ أَنْ يُسْلِمَ الَّذِي أَعْتَقَهُ وَإِنْ كَانَ الْمُعْتَقُ حِينَ أُعْتِقَ مُسْلِمًا لَمْ يَكُنْ لِوَلَدِ النَّصْرَانِيِّ أَوِ الْيَهُودِيِّ الْمُسْلِمَيْنِ مِنْ وَلاَءِ الْعَبْدِ الْمُسْلِمِ شَىْءٌ لأَنَّهُ لَيْسَ لِلْيَهُودِيِّ وَلاَ لِلنَّصْرَانِيِّ وَلاَءٌ فَوَلاَءُ الْعَبْدِ الْمُسْلِمِ لِجَمَاعَةِ الْمُسْلِمِينَ .

USC-MSA web (English) reference : Book 38, Hadith 25
Arabic reference : Book 38, Hadith 1491

39 - The Mukatab كتاب المكاتب

Malik related to me from Nafi that Abdullah ibn Umar said, "A mukatab is a slave as long as any of his kitaba remains to be paid."

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَقُولُ الْمُكَاتَبُ عَبْدٌ مَا بَقِيَ عَلَيْهِ مِنْ كِتَابَتِهِ شَىْءٌ .

USC-MSA web (English) reference : Book 39, Hadith 1
Arabic reference : Book 39, Hadith 1492

Malik related to me that he had heard that Urwa ibn az-Zubayr and Sulayman ibn Yasar said, "The mukatab is a slave as long as any of his kitaba remains to be paid."

Malik said, "This is my opinion as well."
Malik said, "If a mukatab dies and leaves more property than what remains to be paid of his kitaba and he has children who were born during the time of his kitaba or whose kitaba has been written as well, they inherit any property that remains after the kitaba has been paid."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُرْوَةَ بْنَ الزُّبَيْرِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، كَانَا يَقُولاَنِ الْمُكَاتَبُ عَبْدٌ مَا بَقِيَ عَلَيْهِ مِنْ كِتَابَتِهِ شَىْءٌ . قَالَ مَالِكٌ وَهُو رَأْيِي . قَالَ مَالِكٌ فَإِنْ هَلَكَ الْمُكَاتَبُ وَتَرَكَ مَالاً أَكْثَرَ مِمَّا بَقِيَ عَلَيْهِ مِنْ كِتَابَتِهِ وَلَهُ وَلَدٌ وُلِدُوا فِي كِتَابَتِهِ أَوْ كَاتَبَ عَلَيْهِمْ وَرِثُوا مَا بَقِيَ مِنَ الْمَالِ بَعْدَ قَضَاءِ كِتَابَتِهِ .

USC-MSA web (English) reference : Book 39, Hadith 2
Arabic reference : Book 39, Hadith 1493

Malik related to me from Humayd ibn Qays al-Makki that a son of al-Mutawakkil had a mukatab who died at Makka and left (enough to pay) the rest of his kitaba and he owed some debts to people. He also left a daughter. The governor of Makka was not certain about how to judge in the case, so he wrote to Abd al-Malik ibn Marwan to ask him about it. Abd al-Malik wrote to him, "Begin with the debts owed to people, and then pay what remains of his kitaba. Then divide what remains of the property between the daughter and the master."

Malik said, "What is done among us is that the master of a slave does not have to give his slave a kitaba if he asks for it. I have not heard of any of the Imams forcing a man to give a kitaba to his slave. I heard that one of the people of knowledge, when someone asked about that and mentioned that Allah the Blessed, the Exalted, said, 'Give them their kitaba, if you know some good in them' (Sura 24 ayat 33) recited these two ayats, 'When you are free of the state of ihram, then hunt for game.' (Sura 5 ayat 3) 'When the prayer is finished, scatter in the land and seek Allah's favour.' " (Sura 62 ayat 10)
Malik commented, "It is a way of doing things for which Allah, the Mighty, the Majestic, has given permission to people, and it is not obligatory for them." Malik said, "I heard one of the people of knowledge say about the word of Allah, the Blessed, the Exalted, 'Give them of the wealth which Allah has given you,' that it meant that a man give his slave a kitaba and then reduce the end of his kitaba for him by some specific amount."
Malik said, "This is what I have heard from the people of knowledge and what I see people doing here."
Malik said, "I have heard that Abdullah ibn Umar gave one of his slaves his kitaba for 35,000 dirhams, and then reduced the end of his kitaba by 5,000 dirhams."
Malik said, "What is done among us is that when a master gives a mukatab his kitaba, the mukatab's property goes with him but his children do not go with him unless he stipulates that in his kitaba."

Yahya said, "I heard Malik say that if a mukatab whose master had given him a kitaba had a slave- girl who was pregnant by him, and neither he nor his master knew that on the day he was given his kitaba, the child did not follow him because he was not included in the kitaba. He belonged to the master. As for the slave-girl, she belonged to the mukatab because she was his property."
Malik said that if a man and his wife's son (by another husband) inherited a mukatab from the wife and the mukatab died before he had completed his kitaba, they divided his inheritance between them according to the Book of Allah. If the slave paid his kitaba and then died, his inheritance went to the son of the woman, and the husband had nothing of his inheritance.
Malik said that if a mukatab gave his own slave a kitaba, the situation was looked at. If he wanted to do his slave a favour and it was obvious by his making it easy for him, that was not permitted. If he was giving him a kitaba from desire to find money to pay off his own kitaba, that was permitted for him.
Malik said that if a man had intercourse with a mukataba of his and she became pregnant by him, she had an option. If she liked she could be an umm walad. If she wished, she could confirm her kitaba. If she did not conceive, she still had her kitaba.
Malik said, "The generally agreed on way of doing things among us about a slave who is owned by two men is that one of them does not give a kitaba for his share, whether or not his companion gives him permission to do so, unless they both write the kitaba together, because that alone would effect setting him free. If the slave were to fulfil what he had agreed on to free half of himself, and then the one who had given a kitaba for half of him was not obliged to complete his setting free, that would be in opposition to the words of the Messenger of Allah, may Allah bless him and grant him peace. 'If someone frees his share in a slave and has enough money to cover the full price of the slave, justly evaluated for him, he must give his partners their shares, so the slave is completely free . ' "
Malik said, "If he is not aware of that until the mukatab has met the terms or before he has met them the owner who has written him the kitaba returns what he has taken from the mukatab to him, and then he and his partner divide him according to their original shares and the kitaba is invalid. He is the slave of both of them in his original state."
Malik spoke about a mukatab who was owned by two men and one of them granted him a delay in the payment of the right which he was owed, and the other refused to defer it, and so the one who refused to defer the payment exacted his part of the due. Malik said that if the mukatab then died and left property which did not complete his kitaba, "They divide it according to what they are still owed by him. Each of them takes according to his share. If the mukatab leaves more than his kitaba, each of them takes what remains to them of the kitaba, and what remains after that is divided equally between them. If the mukatab is unable to pay his kitaba fully and the one who did not allow him to defer his payment has exacted more than his associate did, the slave is still divided equally between them, and he does not return to his associates the excess of what he has exacted, because he only exacted his right with the permission of his associate. If one of them remits what is owed to him and then his associate exacts part of what he is owed by him and then the mukatab is unable to pay, he belongs to both of them. And the one who has exacted something does not return anything because he only demanded what he was owed. That is like the debt of two men in one writing against one man. One of them grants him time to pay and the other is greedy and exacts his due. Then the debtor goes bankrupt. The one who exacted his due does not have to return any of what he took."
وَحَدَّثَنِي مَالِكٌ، عَنْ حُمَيْدِ بْنِ قَيْسٍ الْمَكِّيِّ، أَنَّ مُكَاتَبًا، كَانَ لاِبْنِ الْمُتَوَكِّلِ هَلَكَ بِمَكَّةَ وَتَرَكَ عَلَيْهِ بَقِيَّةً مِنْ كِتَابَتِهِ وَدُيُونًا لِلنَّاسِ وَتَرَكَ ابْنَتَهُ فَأَشْكَلَ عَلَى عَامِلِ مَكَّةَ الْقَضَاءُ فِيهِ فَكَتَبَ إِلَى عَبْدِ الْمَلِكِ بْنِ مَرْوَانَ يَسْأَلُهُ عَنْ ذَلِكَ فَكَتَبَ إِلَيْهِ عَبْدُ الْمَلِكِ أَنِ ابْدَأْ بِدُيُونِ النَّاسِ ثُمَّ اقْضِ مَا بَقِيَ مِنْ كِتَابَتِهِ ثُمَّ اقْسِمْ مَا بَقِيَ مِنْ مَالِهِ بَيْنَ ابْنَتِهِ وَمَوْلاَهُ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّهُ لَيْسَ عَلَى سَيِّدِ الْعَبْدِ أَنْ يُكَاتِبَهُ إِذَا سَأَلَهُ ذَلِكَ وَلَمْ أَسْمَعْ أَنَّ أَحَدًا مِنَ الأَئِمَّةِ أَكْرَهَ رَجُلاً عَلَى أَنْ يُكَاتِبَ عَبْدَهُ وَقَدْ سَمِعْتُ بَعْضَ أَهْلِ الْعِلْمِ إِذَا سُئِلَ عَنْ ذَلِكَ فَقِيلَ لَهُ إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ {فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا} . يَتْلُو هَاتَيْنِ الآيَتَيْنِ {وَإِذَا حَلَلْتُمْ فَاصْطَادُوا} . {فَإِذَا قُضِيَتِ الصَّلاَةُ فَانْتَشِرُوا فِي الأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ} . قَالَ مَالِكٌ وَإِنَّمَا ذَلِكَ أَمْرٌ أَذِنَ اللَّهُ عَزَّ وَجَلَّ فِيهِ

لِلنَّاسِ وَلَيْسَ بِوَاجِبٍ عَلَيْهِمْ . قَالَ مَالِكٌ وَسَمِعْتُ بَعْضَ أَهْلِ الْعِلْمِ يَقُولُ فِي قَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى {وَآتُوهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ} . إِنَّ ذَلِكَ أَنْ يُكَاتِبَ الرَّجُلُ غُلاَمَهُ ثُمَّ يَضَعُ عَنْهُ مِنْ آخِرِ كِتَابَتِهِ شَيْئًا مُسَمًّى . قَالَ مَالِكٌ فَهَذَا الَّذِي سَمِعْتُ مِنْ أَهْلِ الْعِلْمِ وَأَدْرَكْتُ عَمَلَ النَّاسِ عَلَى ذَلِكَ عِنْدَنَا .

قَالَ مَالِكٌ وَقَدْ بَلَغَنِي أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ كَاتَبَ غُلاَمًا لَهُ عَلَى خَمْسَةٍ وَثَلاَثِينَ أَلْفَ دِرْهَمٍ ثُمَّ وَضَعَ عَنْهُ مِنْ آخِرِ كِتَابَتِهِ خَمْسَةَ آلاَفِ دِرْهَمٍ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّ الْمُكَاتَبَ إِذَا كَاتَبَهُ سَيِّدُهُ تَبِعَهُ مَالُهُ وَلَمْ يَتْبَعْهُ وَلَدُهُ إِلاَّ أَنْ يَشْتَرِطَهُمْ فِي كِتَابَتِهِ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ فِي الْمُكَاتَبِ يُكَاتِبُهُ سَيِّدُهُ وَلَهُ جَارِيَةٌ بِهَا حَبَلٌ مِنْهُ لَمْ يَعْلَمْ بِهِ هُوَ وَلاَ سَيِّدُهُ يَوْمَ كِتَابَتِهِ فَإِنَّهُ لاَ يَتْبَعُهُ ذَلِكَ الْوَلَدُ لأَنَّهُ لَمْ يَكُنْ دَخَلَ فِي كِتَابَتِهِ وَهُوَ لِسَيِّدِهِ فَأَمَّا الْجَارِيَةُ فَإِنَّهَا لِلْمُكَاتَبِ لأَنَّهَا مِنْ مَالِهِ . قَالَ مَالِكٌ فِي رَجُلٍ وَرِثَ مُكَاتَبًا مِنِ امْرَأَتِهِ هُوَ وَابْنُهَا إِنَّ الْمُكَاتَبَ إِنْ مَاتَ قَبْلَ أَنْ يَقْضِيَ كِتَابَتَهُ اقْتَسَمَا مِيرَاثَهُ عَلَى كِتَابِ اللَّهِ وَإِنْ أَدَّى كِتَابَتَهُ ثُمَّ مَاتَ فَمِيرَاثُهُ لاِبْنِ الْمَرْأَةِ وَلَيْسَ لِلزَّوْجِ مِنْ مِيرَاثِهِ شَىْءٌ . قَالَ مَالِكٌ فِي الْمُكَاتَبِ يُكَاتِبُ عَبْدَهُ قَالَ يُنْظَرُ فِي ذَلِكَ فَإِنْ كَانَ إِنَّمَا أَرَادَ الْمُحَابَاةَ لِعَبْدِهِ وَعُرِفَ ذَلِكَ مِنْهُ بِالتَّخْفِيفِ عَنْهُ فَلاَ يَجُوزُ ذَلِكَ وَإِنْ كَانَ إِنَّمَا كَاتَبَهُ عَلَى وَجْهِ الرَّغْبَةِ وَطَلَبِ الْمَالِ وَابْتِغَاءِ الْفَضْلِ وَالْعَوْنِ عَلَى كِتَابَتِهِ فَذَلِكَ جَائِزٌ لَهُ . قَالَ مَالِكٌ فِي رَجُلٍ وَطِئَ مُكَاتَبَةً لَهُ إِنَّهَا إِنْ حَمَلَتْ فَهِيَ بِالْخِيَارِ إِنْ شَاءَتْ كَانَتْ أُمَّ وَلَدٍ وَإِنْ شَاءَتْ قَرَّتْ عَلَى كِتَابَتِهَا فَإِنْ لَمْ تَحْمِلْ فَهِيَ عَلَى كِتَابَتِهَا . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا فِي الْعَبْدِ يَكُونُ بَيْنَ الرَّجُلَيْنِ إِنَّ أَحَدَهُمَا لاَ يُكَاتِبُ نَصِيبَهُ مِنْهُ أَذِنَ لَهُ بِذَلِكَ صَاحِبُهُ أَوْ لَمْ يَأْذَنْ إِلاَّ أَنْ يُكَاتِبَاهُ جَمِيعًا لأَنَّ ذَلِكَ يَعْقِدُ لَهُ عِتْقًا وَيَصِيرُ إِذَا أَدَّى الْعَبْدُ مَا كُوتِبَ عَلَيْهِ إِلَى أَنْ يَعْتِقَ نِصْفُهُ وَلاَ يَكُونُ عَلَى الَّذِي كَاتَبَ بَعْضَهُ أَنْ يَسْتَتِمَّ عِتْقَهُ فَذَلِكَ خِلاَفُ مَا قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَنْ أَعْتَقَ شِرْكًا لَهُ فِي عَبْدٍ قُوِّمَ عَلَيْهِ قِيمَةَ الْعَدْلِ " . قَالَ مَالِكٌ فَإِنْ جَهِلَ ذَلِكَ حَتَّى يُؤَدِّيَ الْمُكَاتَبُ أَوْ قَبْلَ أَنْ يُؤَدِّيَ رَدَّ إِلَيْهِ الَّذِي كَاتَبَهُ مَا قَبَضَ مِنَ الْمُكَاتَبِ فَاقْتَسَمَهُ هُوَ وَشَرِيكُهُ عَلَى قَدْرِ حِصَصِهِمَا وَبَطَلَتْ كِتَابَتُهُ وَكَانَ عَبْدًا لَهُمَا عَلَى حَالِهِ الأُولَى . قَالَ مَالِكٌ فِي مُكَاتَبٍ بَيْنَ رَجُلَيْنِ فَأَنْظَرَهُ أَحَدُهُمَا بِحَقِّهِ الَّذِي عَلَيْهِ وَأَبَى الآخَرُ أَنْ يُنْظِرَهُ فَاقْتَضَى الَّذِي أَبَى أَنْ يُنْظِرَهُ بَعْضَ حَقِّهِ ثُمَّ مَاتَ الْمُكَاتَبُ وَتَرَكَ مَالاً لَيْسَ فِيهِ وَفَاءٌ مِنْ كِتَابَتِهِ قَالَ مَالِكٌ يَتَحَاصَّانِ بِقَدْرِ مَا بَقِيَ لَهُمَا عَلَيْهِ يَأْخُذُ كُلُّ وَاحِدٍ مِنْهُمَا بِقَدْرِ حِصَّتِهِ فَإِنْ تَرَكَ الْمُكَاتَبُ فَضْلاً عَنْ كِتَابَتِهِ أَخَذَ كُلُّ وَاحِدٍ مِنْهُمَا مَا بَقِيَ مِنَ الْكِتَابَةِ وَكَانَ مَا بَقِيَ بَيْنَهُمَا بِالسَّوَاءِ فَإِنْ عَجَزَ الْمُكَاتَبُ وَقَدِ اقْتَضَى الَّذِي لَمْ يُنْظِرْهُ أَكْثَرَ مِمَّا اقْتَضَى صَاحِبُهُ كَانَ الْعَبْدُ بَيْنَهُمَا نِصْفَيْنِ وَلاَ يَرُدُّ عَلَى صَاحِبِهِ فَضْلَ مَا اقْتَضَى لأَنَّهُ إِنَّمَا اقْتَضَى الَّذِي لَهُ بِإِذْنِ صَاحِبِهِ وَإِنْ وَضَعَ عَنْهُ أَحَدُهُمَا الَّذِي لَهُ ثُمَّ اقْتَضَى صَاحِبُهُ بَعْضَ الَّذِي لَهُ عَلَيْهِ ثُمَّ عَجَزَ فَهُوَ بَيْنَهُمَا وَلاَ يَرُدُّ الَّذِي اقْتَضَى عَلَى صَاحِبِهِ شَيْئًا لأَنَّهُ إِنَّمَا اقْتَضَى الَّذِي لَهُ عَلَيْهِ وَذَلِكَ بِمَنْزِلَةِ الدَّيْنِ لِلرَّجُلَيْنِ بِكِتَابٍ وَاحِدٍ عَلَى رَجُلٍ وَاحِدٍ فَيُنْظِرُهُ أَحَدُهُمَا وَيَشِحُّ الآخَرُ فَيَقْتَضِي بَعْضَ حَقِّهِ ثُمَّ يُفْلِسُ الْغَرِيمُ فَلَيْسَ عَلَى الَّذِي اقْتَضَى أَنْ يَرُدَّ شَيْئًا مِمَّا أَخَذَ .

USC-MSA web (English) reference : Book 39, Hadith 3
Arabic reference : Book 39, Hadith 1494

Malik said, "The generally agreed on way of doing things among us is that when slaves write their kitaba together in one kitaba, and some are responsible for others, and they are not reduced anything by the death of one of the

responsible ones, and then one of them says, 'I can't do it,' and gives up, his companions can use him in whatever work he can do and they help each other with that in their kitaba until they are freed, if they are freed, or remain slaves if they remain slaves."

Malik said, "The generally agreed on way of doing things among us is that when a master gives a slave his kitaba, it is not permitted for the master to let anyone assume the responsibility for the kitaba of his slave if the slave dies or is incapable. This is not part of the sunna of the muslims. That is because when a man assumes responsibility to the master of a mukatab for what the mukatab owes of his kitaba, and then the master of the mukatab pursues that from the one who assumes the responsibility, he takes his money falsely. It is not as if he is buying the mukatab, so that what he gives is part of the price of something that is his, and neither is the mukatab being freed so that the price established for him buys his inviolability as a free man. If the mukatab is unable to meet the payments he reverts to his master and is his slave. That is because kitaba is not a fixed debt which can be assumed by the master of the mukatab. It is something which, when it is paid by the mukatab, sets him free. If the mukatab dies and has a debt, his master is not one of the creditors for what remains unpaid of the kitaba. The creditors have precedence over the master. If the mukatab cannot meet the payments, and he owes debts to people, he reverts to being a slave owned by his master and the debts to the people are the liability of the mukatab. The creditors do not enter with the master into any share of the price of his person."
Malik said, "When people are written together in one kitaba and there is no kinship between them by which they inherit from each other, and some of them are responsible for others, then none of them are freed before the others until all the kitaba has been paid. If one of them dies and leaves property and it is more than all of what is against them, it pays all that is against them . The excess of the property goes to the master, and none of those who have been written in the kitaba with the deceased have any of the excess. The master's claims are overshadowed by their claims for the portions which remain against them of the kitaba which can be fulfilled from the property of the deceased, because the deceased had assumed their responsibility and they must use his property to pay for their freedom. If the deceased mukatab has a free child not born in kitaba and who was not written in the kitaba, it does not inherit from him because the mukatab was not freed until he died."

USC-MSA web (English) reference : Book 39, Hadith 4

Malik related to me that he heard that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, made a settlement with her mukatab for an agreed amount of gold and silver.

Malik said, "The generally agreed on way of doing things among us in the case of a mukatab who is shared by two partners, is that one of them cannot make a settlement with him for an agreed price according to his portion without the consent of his partner. That is because the slave and his property are owned by both of them, and so one of them is not permitted to take any of the property except with the consent of his partner. If one of them settled with the mukatab and his partner did not, and he took the agreed price, and then the mukatab died while he had property or was unable to pay, the one who settled would not have anything of the mukatab's property and he could not return that for which he made settlement so that his right to the slave's person would return to him. However, when someone settles with a mukatab with the permission of his partner and then the mukatab is unable to pay, it is preferable that the one who broke with him return what he has taken from the mukatab for the severance and he can have back his portion of the mukatab. He can do that. If the mukatab dies and leaves property, the partner who has kept hold of the kitaba is paid in full the amount of the kitaba which remains to him against the mukatab from the mukatab's property. Then what remains of property of the mukatab is between the partner who broke with him and his partner, according to their shares in the mukatab. If one of the partners breaks off with him and the other keeps the kitaba, and the mukatab is unable to pay, it is said to the partner who settled with him, 'If you wish to give your partner half of what you took so the slave is divided between you, then do so. If you refuse, then all of the slave belongs to the one who held on to possession of the slave.' "

Malik spoke about a mukatab who was shared between two men and one of them made a settlement with him with the permission of his partner. Then the one who retained possession of the slave demanded the like of that for which his partner had settled or more than that and the mukatab could not pay it. He said, "The mukatab is shared between them because the man has only demanded what is owed to him. If he demands less than what the one who settled with him took and the mukatab can not manage that, and the one who settled with him prefers to return to his partner half of what he took so the slave is divided in halves between them, he can do that. If he refuses then all of the slave belongs to the one who did not settle with him. If the mukatab dies and leaves property, and the one who settled with him prefers to return to his companion half of what he has taken so the inheritance is divided between them, he can do that. If the one who has kept the kitaba takes the like of what the one who has settled with him took, or more, the inheritance is between them according to their shares in the slave because he is only taking his right."
Malik spoke about a mukatab who was shared between two men and one of them made a settlement with him for half of what was due to him with the permission of his partner, and then the one who retained possession of the slave took less than what his partner settled with him for and the mukatab was unable to pay. He said, "If the one who made a settlement with the slave prefers to return half of what he was awarded to his partner, the slave is divided between them. If he refuses to return it, the one who retained possession has the portion of the share for which his partner made a settlement with the mukatab."
Malik said, "The explanation of that is that the slave is divided in two halves between them. They write him a kitaba together and then one of them makes a settlement with the mukatab for half his due with the permission of his partner. That is a fourth of all the slave. Then the mukatab is unable to continue, so it is said to the one who settled with him, 'If you wish, return to your partner half of what you were awarded and the slave is divided equally between you.' If he refuses, the one who held to the kitaba takes in full the fourth of his partner for which he made settlement with the mukatab. He had half the slave, so that now gives him three-fourths of the slave. The one who broke off has a fourth of the slave because he refused to return the equivalent of the fourth share for which he settled."
Malik spoke about a mukatab whose master made a settlement with him and set him free and what remained of his severance was written against him as debt, then the mukatab died and people had debts against him. He said, "His master does not share with the creditors because of what he is owed from the severance. The creditors begin first."
Malik said, "A mukatab cannot break with his master when he owes debts to people. He would be set free and have nothing because the people who hold the debts are more entitled to his property than his master. That is not permitted for him."
Malik said, "According to the way things are done among us, there is no harm if a man gives a kitaba to his slave and settles with him for gold and reduces what he is owed of the kitaba provided that only the gold is paid immediately. Whoever disapproves of that does so because he puts it in the category of a debt which a man has against another man for a set term. He gives him a reduction and he pays it immediately. This is not like that debt. The breaking of the mukatab with his master is dependent on his giving money to speed up the setting free. Inheritance, testimony and the hudud are obliged for him and the inviolability of being set free is established for him. He is not buying dirhams for dirhams or gold for gold. Rather it is like a man who having said to his slave, 'Bring me such-and-such an amount of dinars and you are free', then reduces that for him, saying, 'If you bring me less than that, you are free.' That is not a fixed debt. Had it been a fixed debt, the master would have shared with the creditors of the mukatab when he died or went bankrupt. His claim on the property of the mukatab would join theirs."
حَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ أُمَّ سَلَمَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تُقَاطِعُ مُكَاتَبِيهَا بِالذَّهَبِ وَالْوَرِقِ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا فِي الْمَكَاتَبِ يَكُونُ بَيْنَ الشَّرِيكَيْنِ فَإِنَّهُ لاَ يَجُوزُ لأَحَدِهِمَا أَنْ يُقَاطِعَهُ عَلَى حِصَّتِهِ إِلاَّ بِإِذْنِ شَرِيكِهِ وَذَلِكَ أَنَّ الْعَبْدَ وَمَالَهُ بَيْنَهُمَا فَلاَ يَجُوزُ لأَحَدِهِمَا أَنْ يَأْخُذَ شَيْئًا مِنْ مَالِهِ إِلاَّ بِإِذْنِ شَرِيكِهِ وَلَوْ قَاطَعَهُ أَحَدُهُمَا دُونَ صَاحِبِهِ ثُمَّ حَازَ ذَلِكَ ثُمَّ مَاتَ الْمُكَاتَبُ وَلَهُ مَالٌ أَوْ عَجَزَ لَمْ يَكُنْ لِمَنْ قَاطَعَهُ شَىْءٌ مِنْ مَالِهِ وَلَمْ يَكُنْ لَهُ أَنْ يَرُدَّ مَا قَاطَعَهُ عَلَيْهِ وَيَرْجِعَ حَقُّهُ فِي رَقَبَتِهِ وَلَكِنْ مَنْ قَاطَعَ مُكَاتَبًا بِإِذْنِ شَرِيكِهِ ثُمَّ عَجَزَ الْمُكَاتَبُ فَإِنْ أَحَبَّ الَّذِي قَاطَعَهُ أَنْ يَرُدَّ الَّذِي أَخَذَ مِنْهُ مِنَ الْقَطَاعَةِ

وَيَكُونُ عَلَى نَصِيبِهِ مِنْ رَقَبَةِ الْمُكَاتَبِ كَانَ ذَلِكَ لَهُ وَإِنْ مَاتَ الْمُكَاتَبُ وَتَرَكَ مَالاً اسْتَوْفَى الَّذِي بَقِيَتْ لَهُ الْكِتَابَةُ حَقَّهُ الَّذِي بَقِيَ لَهُ عَلَى الْمُكَاتَبِ مِنْ مَالِهِ ثُمَّ كَانَ مَا بَقِيَ مِنْ مَالِ الْمُكَاتَبِ بَيْنَ الَّذِي قَاطَعَهُ وَبَيْنَ شَرِيكِهِ عَلَى قَدْرِ حِصَصِهِمَا فِي الْمُكَاتَبِ وَإِنْ كَانَ أَحَدُهُمَا قَاطَعَهُ وَتَمَاسَكَ صَاحِبُهُ بِالْكِتَابَةِ ثُمَّ عَجَزَ الْمُكَاتَبُ قِيلَ لِلَّذِي قَاطَعَهُ إِنْ شِئْتَ أَنْ تَرُدَّ عَلَى صَاحِبِكَ نِصْفَ الَّذِي أَخَذْتَ وَيَكُونُ الْعَبْدُ بَيْنَكُمَا شَطْرَيْنِ وَإِنْ أَبَيْتَ فَجَمِيعُ الْعَبْدِ لِلَّذِي تَمَسَّكَ بِالرِّقِّ خَالِصًا . قَالَ مَالِكٌ فِي الْمُكَاتَبِ يَكُونُ بَيْنَ الرَّجُلَيْنِ فَيُقَاطِعُهُ أَحَدُهُمَا بِإِذْنِ صَاحِبِهِ ثُمَّ يَقْتَضِي الَّذِي تَمَسَّكَ بِالرِّقِّ مِثْلَ مَا قَاطَعَ عَلَيْهِ صَاحِبُهُ أَوْ أَكْثَرَ مِنْ ذَلِكَ ثُمَّ يَعْجِزُ الْمُكَاتَبُ . قَالَ مَالِكٌ فَهُوَ بَيْنَهُمَا لأَنَّهُ إِنَّمَا اقْتَضَى الَّذِي لَهُ عَلَيْهِ وَإِنِ اقْتَضَى أَقَلَّ مِمَّا أَخَذَ الَّذِي قَاطَعَهُ ثُمَّ عَجَزَ الْمُكَاتَبُ فَأَحَبَّ الَّذِي قَاطَعَهُ أَنْ يَرُدَّ عَلَى صَاحِبِهِ نِصْفَ مَا تَفَضَّلَهُ بِهِ وَيَكُونُ الْعَبْدُ بَيْنَهُمَا نِصْفَيْنِ فَذَلِكَ لَهُ وَإِنْ أَبَى فَجَمِيعُ الْعَبْدِ لِلَّذِي لَمْ يُقَاطِعْهُ وَإِنْ مَاتَ الْمُكَاتَبُ وَتَرَكَ مَالاً فَأَحَبَّ الَّذِي قَاطَعَهُ أَنْ يَرُدَّ عَلَى صَاحِبِهِ نِصْفَ مَا تَفَضَّلَهُ بِهِ وَيَكُونُ الْمِيرَاثُ بَيْنَهُمَا فَذَلِكَ لَهُ وَإِنْ كَانَ الَّذِي تَمَسَّكَ بِالْكِتَابَةِ قَدْ أَخَذَ مِثْلَ مَا قَاطَعَ عَلَيْهِ شَرِيكُهُ أَوْ أَفْضَلَ فَالْمِيرَاثُ بَيْنَهُمَا بِقَدْرِ مِلْكِهِمَا لأَنَّهُ إِنَّمَا أَخَذَ حَقَّهُ . قَالَ مَالِكٌ فِي الْمُكَاتَبِ يَكُونُ بَيْنَ الرَّجُلَيْنِ فَيُقَاطِعُ أَحَدُهُمَا عَلَى نِصْفِ حَقِّهِ بِإِذْنِ صَاحِبِهِ ثُمَّ يَقْبِضُ الَّذِي تَمَسَّكَ بِالرِّقِّ أَقَلَّ مِمَّا قَاطَعَ عَلَيْهِ صَاحِبُهُ ثُمَّ يَعْجِزُ الْمُكَاتَبُ . قَالَ مَالِكٌ إِنْ أَحَبَّ الَّذِي قَاطَعَ الْعَبْدَ أَنْ يَرُدَّ عَلَى صَاحِبِهِ نِصْفَ مَا تَفَضَّلَهُ بِهِ كَانَ الْعَبْدُ بَيْنَهُمَا شَطْرَيْنِ وَإِنْ أَبَى أَنْ يَرُدَّ فَلِلَّذِي تَمَسَّكَ بِالرِّقِّ حِصَّةُ صَاحِبِهِ الَّذِي كَانَ قَاطَعَ عَلَيْهِ الْمُكَاتَبَ . قَالَ مَالِكٌ وَتَفْسِيرُ ذَلِكَ أَنَّ الْعَبْدَ يَكُونُ بَيْنَهُمَا شَطْرَيْنِ فَيُكَاتِبَانِهِ جَمِيعًا ثُمَّ يُقَاطِعُ أَحَدُهُمَا الْمُكَاتَبَ عَلَى نِصْفِ حَقِّهِ بِإِذْنِ صَاحِبِهِ وَذَلِكَ الرُّبُعُ مِنْ جَمِيعِ الْعَبْدِ ثُمَّ يَعْجِزُ الْمُكَاتَبُ فَيُقَالُ لِلَّذِي قَاطَعَهُ إِنْ شِئْتَ فَارْدُدْ عَلَى صَاحِبِكَ نِصْفَ مَا فَضَلْتَهُ بِهِ وَيَكُونُ الْعَبْدُ بَيْنَكُمَا شَطْرَيْنِ . وَإِنْ أَبَى كَانَ لِلَّذِي تَمَسَّكَ بِالْكِتَابَةِ رُبُعُ صَاحِبِهِ الَّذِي قَاطَعَ الْمُكَاتَبَ عَلَيْهِ خَالِصًا وَكَانَ لَهُ نِصْفُ الْعَبْدِ فَذَلِكَ ثَلاَثَةُ أَرْبَاعِ الْعَبْدِ وَكَانَ لِلَّذِي قَاطَعَ رُبُعُ الْعَبْدِ لأَنَّهُ أَبَى أَنْ يَرُدَّ ثَمَنَ رُبُعِهِ الَّذِي قَاطَعَ عَلَيْهِ . قَالَ مَالِكٌ فِي الْمُكَاتَبِ يُقَاطِعُهُ سَيِّدُهُ فَيَعْتِقُ وَيَكْتُبُ عَلَيْهِ مَا بَقِيَ مِنْ قَطَاعَتِهِ دَيْنًا عَلَيْهِ ثُمَّ يَمُوتُ الْمُكَاتَبُ وَعَلَيْهِ دَيْنٌ لِلنَّاسِ . قَالَ مَالِكٌ فَإِنَّ سَيِّدَهُ لاَ يُحَاصُّ غُرَمَاءَهُ بِالَّذِي عَلَيْهِ مِنْ قَطَاعَتِهِ وَلِغُرَمَائِهِ أَنْ يُبَدَّءُوا عَلَيْهِ . قَالَ مَالِكٌ لَيْسَ لِلْمُكَاتَبِ أَنْ يُقَاطِعَ سَيِّدَهُ إِذَا كَانَ عَلَيْهِ دَيْنٌ لِلنَّاسِ فَيَعْتِقُ وَيَصِيرُ لاَ شَىْءَ لَهُ لأَنَّ أَهْلَ الدَّيْنِ أَحَقُّ بِمَالِهِ مِنْ سَيِّدِهِ فَلَيْسَ ذَلِكَ بِجَائِزٍ لَهُ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الرَّجُلِ يُكَاتِبُ عَبْدَهُ ثُمَّ يُقَاطِعُهُ بِالذَّهَبِ فَيَضَعُ عَنْهُ مِمَّا عَلَيْهِ مِنَ الْكِتَابَةِ عَلَى أَنْ يُعَجِّلَ لَهُ مَا قَاطَعَهُ عَلَيْهِ أَنَّهُ لَيْسَ بِذَلِكَ بَأْسٌ وَإِنَّمَا كَرِهَ ذَلِكَ مَنْ كَرِهَهُ لأَنَّهُ أَنْزَلَهُ بِمَنْزِلَةِ الدَّيْنِ يَكُونُ لِلرَّجُلِ عَلَى الرَّجُلِ إِلَى أَجَلٍ فَيَضَعُ عَنْهُ وَيَنْقُدُهُ وَلَيْسَ هَذَا مِثْلَ الدَّيْنِ إِنَّمَا كَانَتْ قَطَاعَةُ الْمُكَاتَبِ سَيِّدَهُ عَلَى أَنْ يُعْطِيَهُ مَالاً فِي أَنْ يَتَعَجَّلَ الْعِتْقَ فَيَجِبُ لَهُ الْمِيرَاثُ وَالشَّهَادَةُ وَالْحُدُودُ وَتَثْبُتُ لَهُ حُرْمَةُ الْعَتَاقَةِ وَلَمْ يَشْتَرِ دَرَاهِمَ بِدَرَاهِمَ وَلاَ ذَهَبًا بِذَهَبٍ وَإِنَّمَا مَثَلُ ذَلِكَ مَثَلُ رَجُلٍ قَالَ لِغُلاَمِهِ ائْتِنِي بِكَذَا وَكَذَا دِينَارًا وَأَنْتَ حُرٌّ فَوَضَعَ عَنْهُ مِنْ ذَلِكَ فَقَالَ إِنْ جِئْتَنِي بِأَقَلَّ مِنْ ذَلِكَ فَأَنْتَ حُرٌّ . فَلَيْسَ هَذَا دَيْنًا ثَابِتًا وَلَوْ كَانَ دَيْنًا ثَابِتًا لَحَاصَّ بِهِ السَّيِّدُ غُرَمَاءَ الْمُكَاتَبِ إِذَا مَاتَ أَوْ أَفْلَسَ فَدَخَلَ مَعَهُمْ فِي مَالِ مُكَاتَبِهِ .

USC-MSA web (English) reference : Book 39, Hadith 5
Arabic reference : Book 39, Hadith 1496

Malik said, "The best of what I have heard about a mukatab who injures a man so that blood-money must be paid, is that if the mukatab can pay the blood-money for the injury with his kitaba, he does so, and it is against his kitaba. If he cannot do that, and he cannot pay his kitaba because he must pay the blood-money of that injury before the kitaba, and he cannot pay the blood-money of that injury, then his master has an option. If he prefers to pay the blood-money of that injury, he does so and keeps his slave and he becomes an owned slave. If he wishes to surrender the slave to the injured, he surrenders him. The master does not have to do more than surrender his slave."

Malik spoke about people who were in a general kitaba and one of them caused an injury which entailed blood-money. He said, "If any of them does an injury involving blood-money, he and those who are with him in the kitaba are asked to pay all the blood-money of that injury. If they pay, they are confirmed in their kitaba. If they do not pay, and they are incapable then their master has an option. If he wishes, he can pay all the blood-money of that injury and all the slaves revert to him. If he wishes, he can surrender the one who did the injury alone and all the others revert to being his slaves since they could not pay the blood-money of the injury which their companion caused."
Malik said, "The way of doing things about which there is no dispute among us, is that when a mukatab is injured in some way which entails blood-money or one of the mukatab's children who is written with him in the kitaba is injured, their blood-money is the blood-money of slaves of their value, and what is appointed to them as their blood-money is paid to the master who has the kitaba and he reckons that for the mukatab at the end of his kitaba and there is a reduction for the blood-money that the master has taken for the injury."
Malik said, "The explanation of that is say, for example, he has written his kitaba for three thousand dirhams and the blood-money taken by the master for his injury is one thousand dirhams. When the mukatab has paid his master two thousand dirhams he is free. If what remains of his kitaba is one thousand dirhams and the blood-money for his injury is one thousand dirhams, he is free straightaway. If the blood-money of the injury is more than what remains of the kitaba, the master of the mukatab takes what remains of his kitaba and frees him. What remains after the payment of the kitaba belongs to the mukatab. One must not pay the mukatab any of the blood- money of his injury in case he might consume it and use it up. If he could not pay his kitaba completely he would then return to his master one eyed, with a hand cut off, or crippled in body. His master only wrote his kitaba against his property and earnings, and he did not write his kitaba so that he would take the blood-money for what happened to his child or to himself and use it up and consume it. One pays the blood-money of injuries to a mukatab and his children who are born in his kitaba, or their kitaba is written, to the master and he takes it into account for him at the end of his kitaba."

USC-MSA web (English) reference : Book 39, Hadith 6

Malik said, "The best of what is said about a man who buys the mukatab of a man is that if the man wrote the slave's kitaba for dinars or dirhams, he does not sell him unless it is for merchandise which is paid immediately and not deferred, because if it is deferred, it would be a debt for a debt. A debt for a debt is forbidden."

He said, "If the master gives a mukatab his kitaba for certain merchandise of camels, cattle, sheep, or slaves, it is more correct that the buyer buy him for gold, silver, or different goods than the ones his master wrote the kitaba for, and that must be paid immediately, not deferred."
Malik said, "The best of what I have heard about a mukatab when he is sold is that he is more entitled to buy his kitaba than the one who buys him if he can pay his master the price for which he was sold in cash. That is because his buying himself is his freedom, and freedom has priority over what bequests accompany it. If one of those who have written the kitaba for the mukatab sells his portion of him, so that a half, a third, a fourth, or whatever share of the mukatab is sold, the mukatab does not have the right of pre-emption in what is sold of him. That is because it is like the severance of a partner, and a partner can only make a settlement for a partner of the one who is mukatab with the permission of his partners because what is sold of him does not give him complete rights as a free man and his property is barred from him, and by buying part of himself, it is feared that he will become incapable of completing payment because of what he had to spend. That is not like the mukatab buying himself completely unless

whoever has some of the kitaba remaining due to him gives him permission. If they give him permission, he is more entitled to what is sold of him."
Malik said, "Selling one of the instalments of a mukatab is not halal. That is because it Is an uncertain transaction. If the mukatab cannot pay it, what he owes is nullified. If he dies or goes bankrupt and he owes debts to people, then the person who bought his instalment does not take any of his portion with the creditors. The person who buys one of the instalments of the mukatab is in the position of the master of the mukatab. The master of the mukatab does not have a share with the creditors of the mukatab for what he is owed of the kitaba of his slave. It is also like that with the kharaj, (a set amount deducted daily from the slave against his earnings), which accumulates for a master from the earnings of his slave. The creditors of his slave do not allow him a share for what has accumulated for him from those deductions."
Malik said, "There is no harm in a mukatab paying off his kitaba with coin or merchandise other than the merchandise for which he wrote his kitaba if it is identical with it, on time (for the instalment) or delayed. "
Malik said that if a mukatab died and left an umm walad and small children by her or by someone else and they could not work and it was feared that they would be unable to fulfil their kitaba, the umm walad of the father was sold if her price would pay all the kitaba for them, whether or not she was their mother. They were paid for and set free because their father did not forbid her sale if he feared that he would be unable to complete his kitaba. If her price would not pay for them and neither she nor they could work, they all reverted to being slaves of the master.
Malik said, "What is done among us in the case of a person who buys the kitaba of a mukatab, and then the mukatab dies before he has paid his kitaba, is that the person who bought the kitaba inherits from him. If, rather than dying, the mukatab cannot pay, the buyer has his person. If the mukatab pays his kitaba to the person who bought him and he is freed, his wala' goes to the person who wrote the kitaba and the person who bought his kitaba does not have any of it."

USC-MSA web (English) reference : Book 39, Hadith 7

Malik related to me that he heard that Urwa ibn az-Zubayr and Sulayman ibn Yasar when asked whether the sons of a man, who had a kitaba written for himself and his children and then died, worked for the kitaba of their father or were slaves, said, "They work for the kitaba of their father and they have no reduction at all for the death of their father."

Malik said, "If they are small and unable to work, one does not wait for them to grow up and they are slaves of their father's master unless the mukatab has left what will pay their instalments for them until they can work. If there is enough to pay for them in what he has left, that is paid for on their behalf and they are left in their condition until they can work, and then if they pay, they are free. If they cannot do it, they are slaves."
Malik spoke about a mukatab who died and left property which was not enough to pay his kitaba, and he also left a child with him in his kitaba and an umm walad, and the umm walad wanted to work for them. He said, "The money is paid to her if she is trustworthy with it and strong enough to work. If she is not strong enough to work and not trustworthy with property, she is not given any of it and she and the children of the mukatab revert to being slaves of the master of the mukatab."
Malik said, "If people are written together in one kitaba and there is no kinship between them, and some of them are incapable and others work until they are all set free, those who worked can claim from those who were unable, the portion of what they paid for them because some of them assumed the responsibility for others."
حَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُرْوَةَ بْنَ الزُّبَيْرِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، سُئِلاَ عَنْ رَجُلٍ، كَاتَبَ عَلَى نَفْسِهِ وَعَلَى بَنِيهِ ثُمَّ مَاتَ هَلْ يَسْعَى بَنُو الْمُكَاتَبِ فِي كِتَابَةِ أَبِيهِمْ أَمْ هُمْ عَبِيدٌ فَقَالاَ بَلْ يَسْعَوْنَ فِي كِتَابَةِ أَبِيهِمْ وَلاَ يُوضَعُ عَنْهُمْ لِمَوْتِ أَبِيهِمْ شَىْءٌ . قَالَ مَالِكٌ وَإِنْ كَانُوا صِغَارًا لاَ يُطِيقُونَ السَّعْىَ لَمْ يُنْتَظَرْ بِهِمْ أَنْ يَكْبَرُوا وَكَانُوا رَقِيقًا لِسَيِّدِ أَبِيهِمْ إِلاَّ أَنْ يَكُونَ الْمُكَاتَبُ تَرَكَ مَا يُؤَدَّى بِهِ عَنْهُمْ نُجُومُهُمْ إِلَى أَنْ يَتَكَلَّفُوا السَّعْىَ فَإِنْ كَانَ فِيمَا تَرَكَ مَا يُؤَدَّى عَنْهُمْ أُدِّيَ ذَلِكَ عَنْهُمْ وَتُرِكُوا عَلَى حَالِهِمْ حَتَّى يَبْلُغُوا السَّعْىَ فَإِنْ أَدَّوْا

عَتَقُوا وَإِنْ عَجَزُوا رَقُّوا . قَالَ مَالِكٌ فِي الْمُكَاتَبِ يَمُوتُ وَيَتْرُكُ مَالاً لَيْسَ فِيهِ وَفَاءُ الْكِتَابَةِ وَيَتْرُكُ وَلَدًا مَعَهُ فِي كِتَابَتِهِ وَأُمَّ وَلَدٍ فَأَرَادَتْ أُمُّ وَلَدِهِ أَنْ تَسْعَى عَلَيْهِمْ إِنَّهُ يُدْفَعُ إِلَيْهَا الْمَالُ إِذَا كَانَتْ مَأْمُونَةً عَلَى ذَلِكَ قَوِيَّةً عَلَى السَّعْيِ وَإِنْ لَمْ تَكُنْ قَوِيَّةً عَلَى السَّعْيِ وَلاَ مَأْمُونَةً عَلَى الْمَالِ لَمْ تُعْطَ شَيْئًا مِنْ ذَلِكَ وَرَجَعَتْ هِيَ وَوَلَدُ الْمُكَاتَبِ رَقِيقًا لِسَيِّدِ الْمُكَاتَبِ . قَالَ مَالِكٌ إِذَا كَاتَبَ الْقَوْمُ جَمِيعًا كِتَابَةً وَاحِدَةً وَلاَ رَحِمَ بَيْنَهُمْ فَعَجَزَ بَعْضُهُمْ وَسَعَى بَعْضُهُمْ حَتَّى عَتَقُوا جَمِيعًا فَإِنَّ الَّذِينَ سَعَوْا يَرْجِعُونَ عَلَى الَّذِينَ عَجَزُوا بِحِصَّةِ مَا أَدَّوْا عَنْهُمْ لأَنَّ بَعْضَهُمْ حُمَلاَءُ عَنْ بَعْضٍ .

USC-MSA web (English) reference : Book 39, Hadith 8
Arabic reference : Book 39, Hadith 1497

Malik related to me that he heard Rabia ibn Abi Abd ar-Rahman and others mention that al-Furafisa ibn Umar al-Hanafi had a mukatab who offered to pay him all of his kitaba that he owed. Al-Furafisa refused to accept it and the mukatab went to Marwan ibn al-Hakam who was the amir of Madina and brought up the matter. Marwan summoned al-Furafisa and told him to accept. He refused. Marwan then ordered that the payment be taken from the mukatab and placed in the treasury. He said to the mukatab "Go, you are free." When al-Furafisa saw that, he took the money.

Malik said, "What is done among us when a mukatab pays all the instalments he owes before their term, is that it is permitted to him. The master cannot refuse him that. That is because payment removes every condition from the mukatab as well as service and travel. The setting free of a man is not complete while he has any remaining slavery, and neither would his inviolability as a free man be complete and his testimony permitted and inheritance obliged and such things in that situation. His master must not make any stipulation of service on him after he has been set free."
Malik said that it was permitted for a mukatab who became extremely ill and wanted to pay his master all his instalments because his heirs who were free would then inherit from him and he had no children with him in his kitaba, to do so, because by that he completed his inviolability as a free man, his testimony was permitted, and his admission of what he owed of debts to people was permitted. His bequest was permitted as well. His master could not refuse him that by saying, "He is escaping from me with his property."

حَدَّثَنِي مَالِكٌ، أَنَّهُ سَمِعَ رَبِيعَةَ بْنَ أَبِي عَبْدِ الرَّحْمَنِ، وَغَيْرَهُ، يَذْكُرُونَ أَنَّ مَكَاتَبًا، كَانَ لِلْفُرَافِصَةِ بْنِ عُمَيْرٍ الْحَنَفِيِّ وَأَنَّهُ عَرَضَ عَلَيْهِ أَنْ يَدْفَعَ إِلَيْهِ جَمِيعَ مَا عَلَيْهِ مِنْ كِتَابَتِهِ فَأَبَى الْفُرَافِصَةُ فَأَتَى الْمُكَاتَبُ مَرْوَانَ بْنَ الْحَكَمِ وَهُوَ أَمِيرُ الْمَدِينَةِ فَذَكَرَ ذَلِكَ لَهُ فَدَعَا مَرْوَانُ الْفُرَافِصَةَ فَقَالَ لَهُ ذَلِكَ فَأَبَى فَأَمَرَ مَرْوَانُ بِذَلِكَ الْمَالِ أَنْ يُقْبَضَ مِنَ الْمُكَاتَبِ فَيُوضَعَ فِي بَيْتِ الْمَالِ وَقَالَ لِلْمُكَاتَبِ اذْهَبْ فَقَدْ عَتَقْتَ . فَلَمَّا رَأَى ذَلِكَ الْفُرَافِصَةُ قَبَضَ الْمَالَ . قَالَ مَالِكٌ فَالأَمْرُ عِنْدَنَا أَنَّ الْمُكَاتَبَ إِذَا أَدَّى جَمِيعَ مَا عَلَيْهِ مِنْ نُجُومِهِ قَبْلَ مَحِلِّهَا جَازَ ذَلِكَ لَهُ وَلَمْ يَكُنْ لِسَيِّدِهِ أَنْ يَأْبَى ذَلِكَ عَلَيْهِ وَذَلِكَ أَنَّهُ يَضَعُ عَنِ الْمُكَاتَبِ بِذَلِكَ كُلَّ شَرْطٍ أَوْ خِدْمَةٍ أَوْ سَفَرٍ لأَنَّهُ لاَ تَتِمُّ عَتَاقَةُ رَجُلٍ وَعَلَيْهِ بَقِيَّةٌ مِنْ رِقٍّ وَلاَ تَتِمُّ حُرْمَتُهُ وَلاَ تَجُوزُ شَهَادَتُهُ وَلاَ يَجِبُ مِيرَاثُهُ وَلاَ أَشْبَاهُ هَذَا مِنْ أَمْرِهِ وَلاَ يَنْبَغِي لِسَيِّدِهِ أَنْ يَشْتَرِطَ عَلَيْهِ خِدْمَةً بَعْدَ عَتَاقَتِهِ . قَالَ مَالِكٌ فِي مُكَاتَبٍ مَرِضَ مَرَضًا شَدِيدًا فَأَرَادَ أَنْ يَدْفَعَ نُجُومَهُ كُلَّهَا إِلَى سَيِّدِهِ لأَنْ يَرِثَهُ وَرَثَةٌ لَهُ أَحْرَارٌ وَلَيْسَ مَعَهُ فِي كِتَابَتِهِ وَلَدٌ لَهُ . قَالَ مَالِكٌ ذَلِكَ جَائِزٌ لَهُ لأَنَّهُ تَتِمُّ بِذَلِكَ حُرْمَتُهُ وَتَجُوزُ شَهَادَتُهُ وَيَجُوزُ اعْتِرَافُهُ بِمَا عَلَيْهِ مِنْ دُيُونِ النَّاسِ وَتَجُوزُ وَصِيَّتُهُ وَلَيْسَ لِسَيِّدِهِ أَنْ يَأْبَى ذَلِكَ عَلَيْهِ بِأَنْ يَقُولَ فَرَّ مِنِّي بِمَالِهِ .

USC-MSA web (English) reference : Book 39, Hadith 9
Arabic reference : Book 39, Hadith 1498

Malik related to me that he had heard that Said ibn al-Musayyab was asked about a mukatab who was shared between two men. One of them freed his portion and then the mukatab died and left a lot of money. Said replied, "The one who kept his kitaba is paid what remains due to him, and then they divide what is left between them both equally."

Malik said, "When a mukatab who fulfils his kitaba and becomes free dies, he is inherited from by the people who wrote his kitaba and their children and paternal relations - whoever is most deserving."
He said, "This is also for whoever is set free when he dies after being set free - his inheritance is for the nearest people to him of children or paternal relations who inherit by means of the wala'."
Malik said, "Brothers, written together in the same kitaba, are in the same position as children to each other when none of them have children written in the kitaba or born in the kitaba. When one of them dies and leaves property, he pays for them all that is against them of their kitaba and sets them free. The money left over after that goes to his children rather than his brothers."
حَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، سُئِلَ عَنْ مُكَاتَبٍ، كَانَ بَيْنَ رَجُلَيْنِ فَأَعْتَقَ أَحَدُهُمَا نَصِيبَهُ فَمَاتَ الْمُكَاتَبُ وَتَرَكَ مَالاً كَثِيرًا فَقَالَ يُؤَدَّى إِلَى الَّذِي تَمَاسَكَ بِكِتَابَتِهِ الَّذِي بَقِيَ لَهُ ثُمَّ يَقْتَسِمَانِ مَا بَقِيَ بِالسَّوِيَّةِ . قَالَ مَالِكٌ إِذَا كَاتَبَ الْمُكَاتَبُ فَعَتَقَ فَإِنَّمَا يَرِثُهُ أَوْلَى النَّاسِ بِمَنْ كَاتَبَهُ مِنَ الرِّجَالِ يَوْمَ تُوُفِّيَ الْمُكَاتَبُ مِنْ وَلَدٍ أَوْ عَصَبَةٍ . قَالَ وَهَذَا أَيْضًا فِي كُلِّ مَنْ أُعْتِقَ فَإِنَّمَا مِيرَاثُهُ لأَقْرَبِ النَّاسِ مِمَّنْ أَعْتَقَهُ مِنْ وَلَدٍ أَوْ عَصَبَةٍ مِنَ الرِّجَالِ يَوْمَ يَمُوتُ الْمُعْتَقُ بَعْدَ أَنْ يَعْتِقَ وَيَصِيرَ مَوْرُوثًا بِالْوَلاَءِ . قَالَ مَالِكٌ الإِخْوَةُ فِي الْكِتَابَةِ بِمَنْزِلَةِ الْوَلَدِ إِذَا كُوتِبُوا جَمِيعًا كِتَابَةً وَاحِدَةً إِذَا لَمْ يَكُنْ لأَحَدٍ مِنْهُمْ وَلَدٌ كَاتَبَ عَلَيْهِمْ أَوْ وُلِدُوا فِي كِتَابَتِهِ أَوْ كَاتَبَ عَلَيْهِمْ ثُمَّ هَلَكَ أَحَدُهُمْ وَتَرَكَ مَالاً أُدِّيَ عَنْهُمْ جَمِيعُ مَا عَلَيْهِمْ مِنْ كِتَابَتِهِمْ وَعَتَقُوا وَكَانَ فَضْلُ الْمَالِ بَعْدَ ذَلِكَ لِوَلَدِهِ دُونَ إِخْوَتِهِ .

USC-MSA web (English) reference : Book 39, Hadith 10
Arabic reference : Book 39, Hadith 1499

Malik spoke to me about a man who wrote a kitaba for his slave for gold or silver and stipulated against him in his kitaba a journey, service, sacrifice or similar, which he specified by its name, and then the mukatab was able to pay all his instalments before the end of the term.

He said, "If he pays all his instalments and he is set free and his inviolability as a free man is complete, but he still has this condition to fulfil, the condition is examined, and whatever involves his person in it, like service or a journey etc., is removed from him and his master has nothing in it. Whatever there is of sacrifice, clothing, or anything that he must pay, that is in the position of dinars and dirhams, and is valued and he pays it along with his instalments, and he is not free until he has paid that along with his instalments."
Malik said, "The generally agreed-on way of doing things among us about which there is no dispute, is that a mukatab is in the same position as a slave whom his master will free after a service of ten years. If the master who will free him dies before ten years, what remains of his service goes to his heirs and his wala' goes to the one who contracted to free him and to his male children or paternal relations."
Malik spoke about a man who stipulated against his mukatab that he could not travel, marry, or leave his land without his permission, and that if he did so without his permission it was in his power to cancel the kitaba. He said, "If the mukatab does any of these things it is not in the man's power to cancel the kitaba. Let the master put that before the Sultan. The mukatab, however, should not marry, travel, or leave the land of his master without his permission, whether or not he stipulates that. That is because the man may write a kitaba for his slave for 100 dinars and the slave may have 1000 dinars or more than that. He goes off and marries a woman and pays her bride-price which sweeps away his money and then he cannot pay. He reverts to his master as a slave who has no property. Or else he may travel and his instalments fall due while he is away. He cannot do that and kitaba is not to be based on that. That is in the hand of his master. If he wishes, he gives him permission in that. If he wishes, he refuses it."

USC-MSA web (English) reference : Book 39, Hadith 11

Malik said, "When a mukatab sets his own slaves free, it is only permitted for a mukatab to set his own slaves free with the consent of his master. If his master gives his consent and the mukatab sets his slave free, his wala' goes to the mukatab . If the mukatab then dies before he has been set free himself, the wala' of the freed slave goes to the master of the mukatab. If the freed one dies before the mukatab has been set free, the master of the mukatab inherits from him."

Malik said, "It is like that also when a mukatab gives his slave a kitaba and his mukatab is set free before he is himself. The wala' goes to the master of the mukatab as long as he is not free. If this one who wrote the kitaba is set free, then the wala' of his mukatab who was freed before him reverts to him. If the first mukatab dies before he pays, or he cannot pay his kitaba and he has free children, they do not inherit the wala' of their father's mukatab because the wala' has not been established for their father and he does not have the wala' until he is free."
Malik spoke about a mukatab who was shared between two men and one of them forewent what the mukatab owed him and the other insisted on his due. Then the mukatab died and left property.
Malik said, "The one who did not abandon any of what he was owed, is paid in full. Then the property is divided between them both just as if a slave had died because what the first one did was not setting him free. He only abandoned a debt that was owed to him ."
Malik said, "One clarification of that is that when a man dies and leaves a mukatab and he also leaves male and female children and one of the children frees his portion of the mukatab, that does not establish any of the wala' for him. Had it been a true setting free, the wala' would have been established for whichever men and women freed him."
Malik said, "Another clarification of that is that if one of them freed his portion and then the mukatab could not pay, the value of what was left of the mukatab would be altered because of the one who freed his portion. Had it been a true setting-free, his estimated value would have been taken from the property of the one who set free until he had been set completely free as the Messenger of Allah, may Allah bless him and grant him peace, said, 'Whoever frees his share in a slave and has money to cover the full price of the slave, justly evaluated for him, gives his partners their shares. If not, he frees of him what he frees.' " (See Book 37 hadith 1).
He said, "Another clarification of that is that part of the sunna of the muslims in which there is no dispute, is that whoever frees his share of a mukatab, the mukatab is not set fully free using his property. Had he been truly set free, the wala' would have been his alone rather than his partners. Part of what will clarify that also is that part of the sunna of the muslims is that the wala' belongs to whoever writes the contract of kitaba. The women who inherit from the master of the mukatab do not have any of the wala' of the mukatab. If they free any of their share, the wala' belongs to the male children of the master of the mukatab or his male paternal relations."

USC-MSA web (English) reference : Book 39, Hadith 12

Malik said, "If people are together in one kitaba, their master cannot free one of them without consulting his companions who are with him in the kitaba and obtaining their consent. If they are young, however, their consultation means nothing and it is not permitted to them. That is because a man might work for all the people and he might pay their kitaba for them to complete their freedom. Their master approaches the one who will pay for them and their rescue from slavery is through him. He frees him and so makes those who remain unable to pay. He does it intending benefit and increase for himself. It is not permitted for him to do that to those of them who remain. The Messenger of Allah, may Allah bless him and grant him peace, said, 'There must be no harm nor return of harm.' This is the most severe harm."

Malik said about slaves who wrote a kitaba together that it was permitted for their master to free the old and exhausted of them and the young when neither of them could pay anything, and there was no help nor strength to be had from any of them in their kitaba.

USC-MSA web (English) reference : Book 39, Hadith 13

Malik said about a man who had his slave in a kitaba and then the mukatab died and left his umm walad, and there remained for him some of his kitaba to pay and he left what would pay it, "The umm walad is a slave since the mukatab was not freed until he died and he did not leave children that were set free by his paying what remained, so that the umm walad of their father was freed by their being set free."

Malik said about a mukatab who set free a slave of his or gave sadaqa with some of his property and his master did not know that until he had set the mukatab free, "That has been performed by him and the master does not rescind it. If the master of the mukatab knows before he sets the mukatab free, he can reject that and not permit it. If the mukatab is then freed and it becomes in his power to do so, he does not have to free the slave, nor give the sadaqa unless he does it voluntarily from himself."

USC-MSA web (English) reference : Book 39, Hadith 14

Malik said, The best of what I have heard about a mukatab whose master frees him at death, is that the mukatab is valued according to what he would fetch if he were sold. If that value is less than what remains against him of his kitaba, his freedom is taken from the third that the deceased can bequeath. One does not look at the number of dirhams which remain against him in his kitaba. That is because had he been killed, his killer would not be in debt for other than his value on the day he killed him. Had he been injured, the one who injured him would not be liable for other than the blood-money of the injury on the day of his injury. One does not look at how much he has paid of dinars and dirhams of the contract he has written because he is a slave as long as any of his kitaba remains. If what remains in his kitaba is less than his value, only whatever of his kitaba remains owing from him is taken into account in the third of the property of the deceased. That is because the deceased left him what remains of his kitaba and so it becomes a bequest which the deceased made."

Malik said, "The illustration of that is that if the price of the mukatab is one thousand dirhams, and only one hundred dirhams remain of his kitaba, his master leaves him the one hundred dirhams which complete it for him. It is taken into account in the third of his master and by it he becomes free."
Malik said that if a man wrote his slave a kitaba at his death, the value of the slave was estimated. If there was enough to cover the price of the slave in one third of his property, that was permitted for him.
Malik said, "The illustration of that is that the price of the slave is one thousand dinars. His master writes him a kitaba for two hundred dinars at his death. The third of the property of his master is one thousand dinars, so that is permitted for him. It is only a bequest which he makes from one third of his property. If the master has left bequests to people, and there is no surplus in the third after the value of the mukatab, one begins with the mukatab because the kitaba is setting free, and setting free has priority over bequests. When those bequests are paid from the kitaba of the mukatab, they follow it. The heirs of the testator have a choice. If they want to give the people with bequests all their bequests and the kitaba of the mukatab is theirs, they have that. If they refuse and hand over the mukatab and what he owes to the people with bequests they can do that, because the third commences with the mukatab and because all the bequests which he makes are as one."
If the heirs then say, "What our fellow bequeathed was more than one third of his property and he has taken what was not his," Malik said, "His heirs choose. It is said to them, 'Your companion has made the bequests you know about and if you would like to give them to those who are to receive them according to the deceased's bequests, then do so. If not, hand over to the people with bequests one third of the total property of the deceased.' "
Malik continued, "If the heirs surrender the mukatab to the people with bequests, the people with bequests have what he owes of his kitaba. If the mukatab pays what he owes of his kitaba, they take that in their bequests according to their shares. If the mukatab cannot pay, he is a slave of the people with bequests and does not return to the heirs because they gave him up when they made their choice, and because when he was surrendered to the people with bequests, they were liable. If he died, they would not have anything against the heirs. If the mukatab dies before he pays his kitaba and he leaves property which is more than what he owes, his property goes to the people with

bequests. If the mukatab pays what he owes, he is free and his wala' returns to the paternal relations of the one who wrote the kitaba for him."

Malik spoke about a mukatab who owed his master ten thousand dirhams in his kitaba, and when he died he remitted one thousand dirhams from it. He said, "The mukatab is valued and his value is taken into consideration. If his value is one thousand dirhams and the reduction is a tenth of the kitaba, that portion of the slave's price is one hundred dirhams. It is a tenth of the price. A tenth of the kitaba is therefore reduced for him. That is converted to a tenth of the price in cash. That is as if he had had all of what he owed reduced for him. Had he done that, only the value of the slave - one thousand dirhams - would have been taken into account in the third of the property of the deceased. If that which he had remitted is half of the kitaba, half the price is taken into account in the third of the property of the deceased. If it is more or less than that, it is according to this reckoning."

Malik said, "When a man reduces the kitaba of his mukatab by one thousand dirhams at his death from a kitaba of ten thousand dirhams, and he does not stipulate whether it is from the beginning or the end of his kitaba, each instalment is reduced for him by one tenth."

Malik said, "If a man remits one thousand dirhams from his mukatab at his death from the beginning or end of his kitaba, and the original basis of the kitaba is three thousand dirhams, the mukatab's cash value is estimated. Then that value is divided. That thousand which is from the beginning of the kitaba is converted into its portion of the price according to its proximity to the term and its precedence and then the thousand which follows the first thousand is according to its precedence also until it comes to its end, and every thousand is paid according to its place in advancing and deferring the term because what is deferred of that is less in respect of its price. Then it is placed in the third of the deceased according to whatever of the price befalls that thousand according to the difference in preference of that, whether it is more or less, then it is according to this reckoning."

Malik spoke about a man who willed a man a fourth of a mukatab or freed a fourth, and then the man died and the mukatab died and left a lot of property, more than he owed. He said, "The heirs of the first master and the one who was willed a fourth of the mukatab are given what they are still owed by the mukatab. Then they divide what is left over, and the one willed a fourth has a third of what is left after the kitaba is paid. The heirs of his master gets two-thirds. That is because the mukatab is a slave as long as any of his kitaba remains to be paid. He is inherited from by the possession of his person."

Malik said about a mukatab whose master freed him at death, "If the third of the deceased will not cover him, he is freed from it according to what the third will cover and his kitaba is decreased according to that. If the mukatab owed five thousand dirhams and his value is two thousand dirhams cash, and the third of the deceased is one thousand dirhams, half of him is freed and half of the kitaba has been reduced for him." Malik said about a man who said in his will, "My slave so-and-so is free and write a kitaba for so-and- so", that the setting free had priority over the kitaba.

USC-MSA web (English) reference : Book 39, Hadith 15

40 - The Mudabbar كتاب المدبر

Yahya related to me that Malik said, "What is done in our community in the case of a man who makes his slave-girl a mudabbara and she gives birth to children after that, and then the slave-girl dies before the one who gave her a tadbir is that her children are in her position. The conditions which were confirmed for her are confirmed for them. The death of their mother does not harm them. If the one who made her mudabbara dies, they are free if their value is less than one third of his total property."
Malik said, "For every mother by birth as opposed to mother by suckling, her children are in her position. If she is free and she gives birth after she is free, her children are free. If she is a mudabbara or mukataba, or freed after a number of years in service, or part of her is free or pledged or she is an umm walad, each of her children are in the same position as their mother. They are set free when she is set free and they are slaves when she is a slave."
Malik said about the mudabbara given a tadbir while she was pregnant, "Her children are in her position. That is also the position of a man who frees his slave- girl while she is pregnant and does not know that she is pregnant."
Malik said, "The sunna about such women is that their children follow them and are set free by their being set free."
Malik said, "It is the same as if a man had bought a slave-girl while she was pregnant. The slave-girl and what is in her womb belong to the one who bought her whether or not the buyer stipulates that."
Malik continued, "It is not halal for the seller to make an exception about what is in her womb because that is an uncertain transaction. It reduces her price and he does not know if that will reach him or not. That is as if one sold the foetus in the womb of the mother. That is not halal because it is an uncertain transaction ."
Malik said about the mukatab or mudabbar who bought a slave- girl and had intercourse with her and she became pregnant by him and gives birth, "The children of both of them by a slave-girl are in his position. They are set free when he is set free and they are slaves when he is a slave."
Malik said, "When he is set free, the umm walad is part of his property which is surrendered to him when he is set free."

USC-MSA web (English) reference : Book 40, Hadith 1

Malik spoke about a mudabbar who said to his master, "Free me immediately and I will give fifty dinars which I will have to pay in instalments." His master said, "Yes. You are free and you must pay fifty dinars, and you will pay me ten dinars every year." The slave was satisfied with this. Then the master dies one, two or three days after that. He said, "The freeing is confirmed and the fifty dinars become a debt against him. His testimony is permitted, his inviolability as a free man is confirmed, as are his inheritance and his liability to the full hudud punishments. The death of his master, however, does not reduce the debt for him at all."

Malik said that if a man who made his slave a mudabbar died and he had some property at hand and some absent property, and in the property at hand there was not enough (in the third he was allowed to bequeath) to cover the value of the mudabbar, the mudabbar was kept there together with this property, and his tax (kharaj) was gathered until the master's absent property was clear. Then if a third of what his master left would cover his value, he was freed with his property and what had gathered of his tax. If there was not enough to cover his value in what his master had left, as much of him was freed as the third would allow, and his property was left in his hands.

USC-MSA web (English) reference : Book 40, Hadith 2

Malik said, "The generally agreed-on way of doing things in our community is that any setting-free which a man makes in a bequest that he wills in health or illness can be rescinded by him when he likes and changed when he likes as long as it is not a tadbir. There is no way to rescind a tadbir once he has made it.

"As for every child born to him by a slave-girl who he wills to be set free but he does not make mudabbara, her children are not freed with her when she is freed. That is because her master can change his will when he likes and rescind it when he likes, and being set free is not confirmed for her. She is in the position of a slave-girl whose master says, 'If so- and-so remains with me until I die, she is free.' " (i.e. he does not make a definite contract.)
Malik said, "If she fulfils that, that is hers. If he wishes, before that, he can sell her and her child because he has not entered her child into any condition he has made for her.
"The bequest in setting free is different from the tadbir. The precedent of the sunna makes a distinction between them. Had a bequest been in the position of a tadbir, no testator would be able to change his will and what he mentioned in it of setting free. His property would be tied up and he would not be able to use it."
Malik said about a man who made all his slaves mudabbar while he was well and they were his only property, "If he made some of them mudabbar before the others, one begins with the first until the third of his property is reached. (i.e. their value is matched against the third, and those whose value is covered are free.) If he makes the mall mudabbar in his illness, and says in one statement, 'So-and-so is free. So-and-so is free. So-and-so is free if my death occurs in this illness,' or he makes them all mudabbar in one statement, they are matched against the third and one does not begin with any of them before the others. It is a bequest and they have a third of his property divided between them in shares. Then the third of his property frees each of them according to the extent of his share.
"No single one of them is given preference when that all occurs in his illness."
Malik spoke about a master who made his slave a mudabbar and then he died and the only property he had was the mudabbar slave and the slave had property. He said, "A third of the mudabbar is freed and his property remains in his possession."
Malik said about a mudabbar whose master gave him a kitaba and then the master died and did not leave any property other than him, "A third of him is freed and a third of his kitaba is reduced, and he owes two-thirds."
Malik spoke about a man who freed half of his slave while he was ill and made irrevocable his freeing half of him or all of him, and he had made another slave of his mudabbar before that. He said, "One begins with the slave he made mudabbar before the one he freed while he was ill. That is because the man cannot revoke what he has made mudabbar and cannot follow it with a matter which will rescind it. When this mudabbar is freed, then what remains of the third goes to the one who had half of him freed so as to complete his setting-free entirely in the third of the property of the deceased. If what is left of the third does not cover that, whatever is covered by what is left of the third is freed after the first mudabbar is freed . "

USC-MSA web (English) reference : Book 40, Hadith 3

Malik related to me from Nafi that Abdullah ibn Umar made two of his slave-girls mudabbara, and he had intercourse with them while they were mudabbara.

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، دَبَّرَ جَارِيَتَيْنِ لَهُ فَكَانَ يَطَؤُهُمَا وَهُمَا مُدَبَّرَتَانِ ‏.‏

USC-MSA web (English) reference : Book 40, Hadith 4
Arabic reference : Book 40, Hadith 1500

Malik related to me from Yahya ibn Said that Said ibn al-Musayyab used to say, "When a man makes his slave-girl mudabbara, he can have intercourse with her. He cannot sell her or give her away and her children are in the same position as her."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، كَانَ يَقُولُ إِذَا دَبَّرَ الرَّجُلُ جَارِيَتَهُ فَإِنَّ لَهُ أَنْ يَطَأَهَا وَلَيْسَ لَهُ أَنْ يَبِيعَهَا وَلاَ يَهَبَهَا وَوَلَدُهَا بِمَنْزِلَتِهَا ‏.‏

USC-MSA web (English) reference : Book 40, Hadith 5

40 - The Mudabbar

كتاب المدبر

Arabic reference : Book 40, Hadith 1501

Malik said, "The generally agreed on way of doing things in our community about a mudabbar is that the owner cannot sell him or change the position in which he has put him. If a debt overtakes the master, his creditors cannot sell the mudabbar as long as the master is alive. If the master dies and has no debts, the mudabbar is included in the third (of the bequest) because he expected his work from him as long as he lived. He cannot serve him all his life, and then he frees him from his heirs out of the main portion of his property when he dies. If the master of the mudabbar dies and has no property other than him, one third of him is freed, and two thirds of him belong to the heirs. If the master of the mudabbar dies and owes a debt which encompasses the mudabbar, he is sold to meet the debt because he can only be freed in the third (which is allowed for bequest) ."

He said, "If the debt only includes half of the slave, half of him is sold for the debt. Then a third of what remains after the debt is freed. "
Malik said, "It is not permitted to sell a mudabbar and it is not permitted for anyone to buy him unless the mudabbar buys himself from his master. He is permitted to do that. Or else some one gives the master of the mudabbar money and his master who made him a mudabbar frees him. That is also permitted for him."
Malik said, "His wala' belongs to his master who made him a mudabbar."
Malik said, "It is not permitted to sell the service of a mudabbar because it is an uncertain transaction since one does not know how long his master will live. That is uncertain and it is not good."
Malik spoke about a slave who was shared between two men, and one of them made his portion mudabbar. He said, "They estimate his value between them. If the one who made him mudabbar buys him, he is all mudabbar. If he does not buy him, his tadbir is revoked unless the one who retains ownership of him wishes to give his partner who made him mudabbar his value. If he gives him to him for his value, that is binding, and he is all mudabbar."
Malik spoke about the christian man who made a christian slave of his mudabbar and then the slave became muslim. He said, "One separates the master and the slave, and the slave is removed from his christian master and is not sold until his situation becomes clear. If the christian dies and has a debt, his debt is paid from the price of the slave unless he has in his estate what will pay the debt. Then the mudabbar is set free."

USC-MSA web (English) reference : Book 40, Hadith 6

Malik related to me that he heard that Umar ibn Abd al-Aziz gave a judgement about the mudabbar who did an injury. He said, "The master must surrender what he owns of him to the injured person. He is made to serve the injured person and recompense (in the form of service) is taken from him as the blood-money of the injury. If he completes that before his master dies, he reverts to his master."

Malik said, "The generally agreed on way of doing things in our community about a mudabbar who does an injury and then his master dies and the master has no property except him is that the third (allowed to be bequeathed) is freed, and then the blood-money for the in jury is divided into thirds. A third of the blood-money is against the third of him which was set free, and two-thirds are against the two-thirds which the heirs have. If they wish, they surrender what they have of him to the party with the injury, and if they wish, they give the injured person two-thirds of the blood-money and keep their portion of the slave. That is because that injury is a criminal action by the slave and it is not a debt against the master by which whatever setting free and tadbir the master had done would be abrogated. If there were a debt to people held against the master of the slave, as well as the criminal action of the slave, part of the mudabbar would be sold in proportion to the blood-money of the injury and according to the debt. Then one would begin with the blood-money which was for the criminal action of the slave and it would be paid from the price of the slave. Then the debt of his master would be paid, and then one would look at what remained after that of the slave. His third would b be set free, and two-thirds of him would belong to the heirs. That is because the criminal action of the slave is more important than the debt of his master. That is because, if the man dies and leaves a mudabbar slave whose value is one hundred and fifty dinars, and the slave strikes a free man on the head with a blow that lays open the skull, and the blood-money is fifty dinars, and the master of the slave has a debt of fifty

dinars, one begins with the fifty dinars which are the blood-money of the head wound, and it is paid from the price of the slave. Then the debt of the master is paid. Then one looks at what remains of the slave, and a third of him is set free and two-thirds of him remain for the heirs. The blood-money is more pressing against his person than the debt of his master. The debt of his master is more pressing than the tadbir which is a bequest from the third of the property of the deceased. None of the tadbir is permitted while the master of the mudabbar has a debt which is not paid. It is a bequest. That is because Allah, the Blessed, the Exalted, said, 'After any bequest that is made or any debt.' " (Sura 4 ayat 10)
Malik said, "If there is enough in the third property that the deceased can bequeath to free all the mudabbar, he is freed and the blood-money due from his criminal action is held as a debt against him which follows him after he is set free even if that blood-money is the full blood-money. It is not a debt on the master."
Malik spoke about a mudabbar who injured a man and his master surrendered him to the injured party, and then the master died and had a debt and did not leave any property other than the mudabbar, and the heirs said, "We surrender the mudabbar to the party," whilst the creditor said, "My debt exceeds that." Malik said that if the creditor's debt did exceed that at all , he was more entitled to it and it was taken from the one who owed the debt, according to what the creditor was owed in excess of the blood-money of the injury. If his debt did not exceed it at all, he did not take the slave.
Malik spoke about a mudabbar who did an injury and had property, and his master refused to ransom him. He said, "The injured party takes the property of the mudabbar for the blood-money of his injury. If there is enough to pay it, the injured party is paid in full for the blood-money of his injury and the mudabbar is returned to his master. If there is not enough to pay it, he takes it from the blood-money and uses the mudabbar for what remains of the blood-money."

حَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، قَضَى فِي الْمُدَبَّرِ إِذَا جَرَحَ أَنَّ لِسَيِّدِهِ أَنْ يُسَلِّمَ مَا يَمْلِكُ مِنْهُ إِلَى الْمَجْرُوحِ فَيَخْتَدِمُهُ الْمَجْرُوحُ وَيُقَاصُّهُ بِجِرَاحِهِ مِنْ دِيَةِ جَرْحِهِ فَإِنْ أَدَّى قَبْلَ أَنْ يَهْلِكَ سَيِّدُهُ رَجَعَ إِلَى سَيِّدِهِ . قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا فِي الْمُدَبَّرِ إِذَا جَرَحَ ثُمَّ هَلَكَ سَيِّدُهُ وَلَيْسَ لَهُ مَالٌ غَيْرُهُ أَنَّهُ يُعْتَقُ ثُلُثُهُ ثُمَّ يُقْسَمُ عَقْلُ الْجَرْحِ أَثْلاَثًا فَيَكُونُ ثُلُثُ الْعَقْلِ عَلَى الثُّلُثِ الَّذِي عَتَقَ مِنْهُ وَيَكُونُ ثُلُثَاهُ عَلَى الثُّلُثَيْنِ اللَّذَيْنِ بِأَيْدِي الْوَرَثَةِ إِنْ شَاءُوا أَسْلَمُوا الَّذِي لَهُمْ مِنْهُ إِلَى صَاحِبِ الْجَرْحِ وَإِنْ شَاءُوا أَعْطَوْهُ ثُلُثَىِ الْعَقْلِ وَأَمْسَكُوا نَصِيبَهُمْ مِنَ الْعَبْدِ وَذَلِكَ أَنَّ عَقْلَ ذَلِكَ الْجَرْحِ إِنَّمَا كَانَتْ جِنَايَتُهُ مِنَ الْعَبْدِ وَلَمْ تَكُنْ دَيْنًا عَلَى السَّيِّدِ فَلَمْ يَكُنْ ذَلِكَ الَّذِي أَحْدَثَ الْعَبْدُ بِالَّذِي يُبْطِلُ مَا صَنَعَ السَّيِّدُ مِنْ عِتْقِهِ وَتَدْبِيرِهِ فَإِنْ كَانَ عَلَى سَيِّدِ الْعَبْدِ دَيْنٌ لِلنَّاسِ مَعَ جِنَايَةِ الْعَبْدِ بِيعَ مِنَ الْمُدَبَّرِ بِقَدْرِ عَقْلِ الْجَرْحِ وَقَدْرِ الدَّيْنِ ثُمَّ يُبَدَّأُ بِالْعَقْلِ الَّذِي كَانَ فِي جِنَايَةِ الْعَبْدِ فَيُقْضَى مِنْ ثَمَنِ الْعَبْدِ ثُمَّ يُقْضَى دَيْنُ سَيِّدِهِ ثُمَّ يُنْظَرُ إِلَى مَا بَقِيَ بَعْدَ ذَلِكَ مِنَ الْعَبْدِ فَيَعْتِقُ ثُلُثُهُ وَيَبْقَى ثُلُثَاهُ لِلْوَرَثَةِ وَذَلِكَ أَنَّ جِنَايَةَ الْعَبْدِ هِيَ أَوْلَى مِنْ دَيْنِ سَيِّدِهِ وَذَلِكَ أَنَّ الرَّجُلَ إِذَا هَلَكَ وَتَرَكَ عَبْدًا مُدَبَّرًا قِيمَتُهُ خَمْسُونَ وَمِائَةُ دِينَارٍ وَكَانَ الْعَبْدُ قَدْ شَجَّ رَجُلاً حُرًّا مُوضِحَةً عَقْلُهَا خَمْسُونَ دِينَارًا وَكَانَ عَلَى سَيِّدِ الْعَبْدِ مِنَ الدَّيْنِ خَمْسُونَ دِينَارًا . قَالَ مَالِكٌ فَإِنَّهُ يُبْدَأُ بِالْخَمْسِينَ دِينَارًا الَّتِي فِي عَقْلِ الشَّجَّةِ فَتُقْضَى مِنْ ثَمَنِ الْعَبْدِ ثُمَّ يُقْضَى دَيْنُ سَيِّدِهِ ثُمَّ يُنْظَرُ إِلَى مَا بَقِيَ مِنَ الْعَبْدِ فَيَعْتِقُ ثُلُثُهُ وَيَبْقَى ثُلُثَاهُ لِلْوَرَثَةِ فَالْعَقْلُ أَوْجَبُ فِي رَقَبَتِهِ مِنْ دَيْنِ سَيِّدِهِ وَدَيْنُ سَيِّدِهِ أَوْجَبُ مِنَ التَّدْبِيرِ الَّذِي إِنَّمَا هُوَ وَصِيَّةٌ فِي ثُلُثِ مَالِ الْمَيِّتِ فَلاَ يَنْبَغِي أَنْ يَجُوزَ شَىْءٌ مِنَ التَّدْبِيرِ وَعَلَى سَيِّدِ الْمُدَبَّرِ دَيْنٌ لَمْ يُقْضَ وَإِنَّمَا هُوَ وَصِيَّةٌ وَذَلِكَ أَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ {مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ} . قَالَ مَالِكٌ فَإِنْ كَانَ فِي ثُلُثِ الْمَيِّتِ مَا يَعْتِقُ فِيهِ الْمُدَبَّرُ كُلُّهُ عَتَقَ وَكَانَ عَقْلُ جِنَايَتِهِ دَيْنًا عَلَيْهِ يُتَّبَعُ بِهِ بَعْدَ عِتْقِهِ وَإِنْ كَانَ ذَلِكَ الْعَقْلُ الدِّيَةَ كَامِلَةً وَذَلِكَ إِذَا لَمْ يَكُنْ عَلَى سَيِّدِهِ دَيْنٌ . وَقَالَ مَالِكٌ فِي الْمُدَبَّرِ إِذَا جَرَحَ رَجُلاً فَأَسْلَمَهُ سَيِّدُهُ إِلَى الْمَجْرُوحِ ثُمَّ هَلَكَ سَيِّدُهُ وَعَلَيْهِ دَيْنٌ وَلَمْ

يَتْرُكْ مَالاً غَيْرَهُ فَقَالَ الْوَرَثَةُ نَحْنُ نُسَلِّمُهُ إِلَى صَاحِبِ الْجُرْحِ . وَقَالَ صَاحِبُ الدَّيْنِ أَنَا أَزِيدُ عَلَى ذَلِكَ إِنَّهُ إِذَا زَادَ الْغَرِيمُ شَيْئًا فَهُوَ أَوْلَى بِهِ وَيُحَطُّ عَنِ الَّذِي عَلَيْهِ الدَّيْنُ قَدْرُ مَا زَادَ الْغَرِيمُ عَلَى دِيَةِ الْجُرْحِ فَإِنْ لَمْ يَزِدْ شَيْئًا لَمْ يَأْخُذِ الْعَبْدَ . وَقَالَ مَالِكٌ فِي الْمُدَبَّرِ إِذَا جَرَحَ وَلَهُ مَالٌ فَأَبَى سَيِّدُهُ أَنْ يَفْتَدِيَهُ فَإِنَّ الْمَجْرُوحَ يَأْخُذُ مَالَ الْمُدَبَّرِ فِي دِيَةِ جُرْحِهِ فَإِنْ كَانَ فِيهِ وَفَاءٌ اسْتَوْفَى الْمَجْرُوحُ دِيَةَ جُرْحِهِ وَرَدَّ الْمُدَبَّرَ إِلَى سَيِّدِهِ وَإِنْ لَمْ يَكُنْ فِيهِ وَفَاءٌ اقْتَضَاهُ مِنْ دِيَةِ جُرْحِهِ وَاسْتَعْمَلَ الْمُدَبَّرَ بِمَا بَقِيَ لَهُ مِنْ دِيَةِ جُرْحِهِ .

USC-MSA web (English) reference : Book 40, Hadith 7
Arabic reference : Book 40, Hadith 1502

Malik said in the case of an umm walad who injured someone, "The blood-money of that injury is the responsibility of her master from his property, unless the blood-money of the injury is greater than the value of the umm walad. Her master does not have to pay more than her value. That is because when the master of a slave or slave-girl surrenders his slave or slave-girl for an injury which one of them has done, he does not owe any more than that, even if the blood-money is greater. As the master of the umm walad cannot surrender her because of the precedent of the sunna, when he pays her price, it is as if he had surrendered her. He does not have to pay more than that. This is the best of what I have heard about the matter. The master is not obliged to assume responsibility for more than an umm walad's value because of her criminal action."

USC-MSA web (English) reference : Book 40, Hadith 8

41 - Hudud كتاب الحدود

Malik related to me from Nafi that Abdullah ibn Umar said, "The Jews came to the Messenger of Allah, may Allah bless him and grant him peace, and mentioned to him that a man and woman from among them had committed adultery. The Messenger of Allah, may Allah bless him and grant him peace, asked them, 'What do you find in the Torah about stoning?' They said, 'We make their wrong action known and flog them.' Abdullah ibn Salam said, 'You have lied! It has stoning for it, so bring the Torah.' They spread it out and one of them placed his hand over the ayat of stoning. Then he read what was before it and what was after it. Abdullah ibn Salam told him to lift his hand. He lifted his hand and there was the ayat of stoning. They said, 'He has spoken the truth, Muhammad. The ayat of stoning is in it.' So the Messenger of Allah, may Allah bless him and grant him peace, gave the order and they were stoned . "
Abdullah ibn Umar added, "I saw the man leaning over the woman to protect her from the stones."
Malik commented, "By leaning he meant throwing himself over her so that the stones fell on him."

حَدَّثَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ جَاءَتِ الْيَهُودُ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَذَكَرُوا لَهُ أَنَّ رَجُلاً مِنْهُمْ وَامْرَأَةً زَنَيَا فَقَالَ لَهُمْ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا تَجِدُونَ فِي التَّوْرَاةِ فِي شَأْنِ الرَّجْمِ " . فَقَالُوا نَفْضَحُهُمْ وَيُجْلَدُونَ . فَقَالَ عَبْدُ اللَّهِ بْنُ سَلاَمٍ كَذَبْتُمْ إِنَّ فِيهَا الرَّجْمَ . فَأَتَوْا بِالتَّوْرَاةِ فَنَشَرُوهَا فَوَضَعَ أَحَدُهُمْ يَدَهُ عَلَى آيَةِ الرَّجْمِ ثُمَّ قَرَأَ مَا قَبْلَهَا وَمَا بَعْدَهَا فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ سَلاَمٍ ارْفَعْ يَدَكَ فَرَفَعَ يَدَهُ فَإِذَا فِيهَا آيَةُ الرَّجْمِ فَقَالُوا صَدَقَ يَا مُحَمَّدُ فِيهَا آيَةُ الرَّجْمِ . فَأَمَرَ بِهِمَا رَسُولُ اللَّهِ صلى الله عليه وسلم فَرُجِمَا . فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ فَرَأَيْتُ الرَّجُلَ يَحْنِي عَلَى الْمَرْأَةِ يَقِيهَا الْحِجَارَةَ .

USC-MSA web (English) reference : Book 41, Hadith 1
Arabic reference : Book 41, Hadith 1503

Malik related to me from Yahya ibn Said from Said ibn al-Musayyab that a man from the Aslam tribe came to Abu Bakr as-Siddiq and said to him, "I have committed adultery." Abu Bakr said to him, "Have you mentioned this to anyone else?" He said, "No." Abu Bakr said to him, "Then cover it up with the veil of Allah. Allah accepts tawba from his slaves." His self was still unsettled, so he went to Umar ibn al- Khattab. He told him the same as he had said to Abu Bakr, and Umar told him the same as Abu Bakr had said to him. His self was still not settled so he went to the Messenger of Allah, may Allah bless him and grant him peace, and said to him, "I have committed adultery," insistently. The Messenger of Allah, may Allah bless him and grant him peace, turned away from him three times. Each time the Messenger of Allah, may Allah bless him and grant him peace, turned away from him until it became too much. The Messenger of Allah, may Allah bless him and grant him peace, questioned his family, "Does he have an illness which affects his mind, or is he mad?" They said, "Messenger of Allah, by Allah, he is well." The Messenger of Allah, may Allah bless him and grant him peace, said, "Unmarried or married?" They said, "Married, Messenger of Allah." The Messenger of Allah, may Allah bless him and grant him peace, gave the order and he was stoned.

حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَجُلاً، مِنْ أَسْلَمَ جَاءَ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ فَقَالَ لَهُ إِنَّ الأَخِرَ زَنَا . فَقَالَ لَهُ أَبُو بَكْرٍ هَلْ ذَكَرْتَ هَذَا لأَحَدٍ غَيْرِي فَقَالَ لاَ . فَقَالَ أَبُو بَكْرٍ فَتُبْ إِلَى اللَّهِ وَاسْتَتِرْ بِسِتْرِ اللَّهِ فَإِنَّ اللَّهَ يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ . فَلَمْ تُقْرِرْهُ نَفْسُهُ حَتَّى أَتَى عُمَرَ بْنَ الْخَطَّابِ فَقَالَ لَهُ مِثْلَ مَا قَالَ لأَبِي بَكْرٍ فَقَالَ لَهُ عُمَرُ مِثْلَ مَا قَالَ لَهُ أَبُو بَكْرٍ فَلَمْ تُقْرِرْهُ نَفْسُهُ حَتَّى جَاءَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ لَهُ إِنَّ الأَخِرَ زَنَا فَقَالَ سَعِيدٌ فَأَعْرَضَ عَنْهُ رَسُولُ اللَّهِ صلى الله عليه وسلم ثَلاَثَ مَرَّاتٍ كُلُّ ذَلِكَ يُعْرِضُ عَنْهُ رَسُولُ اللَّهِ صلى الله عليه وسلم حَتَّى إِذَا أَكْثَرَ عَلَيْهِ بَعَثَ رَسُولُ اللَّهِ صلى الله

عليه وسلم إِلَى أَهْلِهِ فَقَالَ " أَيَشْتَكِي أَمْ بِهِ جِنَّةٌ " . فَقَالُوا يَا رَسُولَ اللَّهِ وَاللَّهِ إِنَّهُ لَصَحِيحٌ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَبِكْرٌ أَمْ ثَيِّبٌ " . فَقَالُوا بَلْ ثَيِّبٌ يَا رَسُولَ اللَّهِ . فَأَمَرَ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم فَرُجِمَ .

USC-MSA web (English) reference : Book 41, Hadith 2
Arabic reference : Book 41, Hadith 1504

Malik related to me from Yahya ibn Said that Said ibn al-Musayyab said, "I have heard that the Messenger of Allah, may Allah bless him and grant him peace, said to a man from the Aslam tribe called Hazzal, 'Hazzal, had you veiled him with your cloak, it would have been better for you.' "

Yahya ibn Said said, "I related this hadith in an assembly among whom was Yazid ibn Nuaym ibn Hazzal al-Aslami. Yazid said, 'Hazzal was my grandfather. This hadith is true.' "

حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ لِرَجُلٍ مِنْ أَسْلَمَ يُقَالُ لَهُ هَزَّالٌ " يَا هَزَّالُ لَوْ سَتَرْتَهُ بِرِدَائِكَ لَكَانَ خَيْرًا لَكَ " . قَالَ يَحْيَى بْنُ سَعِيدٍ فَحَدَّثْتُ بِهَذَا الْحَدِيثِ فِي مَجْلِسٍ فِيهِ يَزِيدُ بْنُ نُعَيْمِ بْنِ هَزَّالٍ الأَسْلَمِيِّ فَقَالَ يَزِيدُ هَزَّالٌ جَدِّي وَهَذَا الْحَدِيثُ حَقٌّ .

USC-MSA web (English) reference : Book 41, Hadith 3
Arabic reference : Book 41, Hadith 1505

Malik related to me that Ibn Shihab informed him that a man confessed that he had committed adultery in the time of the Messenger of Allah, may Allah bless him and grant him peace, and he testified against himself four times, so the Messenger of Allah, may Allah bless him and grant him peace, gave the order and he was stoned.

Ibn Shihab said, "Because of this a man is to be taken for his own confession against himself."

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ أَخْبَرَهُ . أَنَّ رَجُلاً اعْتَرَفَ عَلَى نَفْسِهِ بِالزِّنَا عَلَى عَهْدِ رَسُولِ اللَّهِ صلى الله عليه وسلم وَشَهِدَ عَلَى نَفْسِهِ أَرْبَعَ مَرَّاتٍ فَأَمَرَ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم فَرُجِمَ . قَالَ ابْنُ شِهَابٍ فَمِنْ أَجْلِ ذَلِكَ يُؤْخَذُ الرَّجُلُ بِاعْتِرَافِهِ عَلَى نَفْسِهِ

USC-MSA web (English) reference : Book 41, Hadith 4
Arabic reference : Book 41, Hadith 1506

Malik related to me from Yaqub ibn Zayd ibn Talha from his father Zayd ibn Talha that Abdullah ibn Abi Mulayka informed him that a woman came to the Messenger of Allah, may Allah bless him and grant him peace, and informed him that she had committed adultery and was pregnant. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "Go away until you give birth." When she had given birth, she came to him. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "Go away until you have suckled and weaned the baby." When she had weaned the baby, she came to him. He said, "Go and entrust the baby to someone." She entrusted the baby to someone and then came to him. He gave the order and she was stoned.

حَدَّثَنِي مَالِكٌ، عَنْ يَعْقُوبَ بْنِ زَيْدِ بْنِ طَلْحَةَ، عَنْ أَبِيهِ، زَيْدِ بْنِ طَلْحَةَ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي مُلَيْكَةَ، أَنَّهُ أَخْبَرَهُ أَنَّ امْرَأَةً جَاءَتْ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَأَخْبَرَتْهُ أَنَّهَا زَنَتْ وَهِيَ حَامِلٌ فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " اذْهَبِي حَتَّى تَضَعِي "

. فَلَمَّا وَضَعَتْ جَاءَتْهُ فَقَالَ لَهَا رَسُولُ اللَّهِ صلى الله عليه وسلم " اذْهَبِي حَتَّى تُرْضِعِيهِ " . فَلَمَّا أَرْضَعَتْهُ جَاءَتْهُ فَقَالَ " اذْهَبِي فَاسْتَوْدِعِيهِ " . قَالَ فَاسْتَوْدَعَتْهُ ثُمَّ جَاءَتْ فَأَمَرَ بِهَا فَرُجِمَتْ .

USC-MSA web (English) reference : Book 41, Hadith 5
Arabic reference : Book 41, Hadith 1507

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Abu Hurayra and Zayd ibn Khalid al-Juhani informed him that two men brought a dispute to the Messenger of Allah, may Allah bless him and grant him peace. One of them said, "Messenger of Allah! Judge between us by the Book of Allah!" The other said, and he was the wiser of the two, "Yes, Messenger of Allah. Judge between us by the Book of Allah and give me permission to speak." He said, "Speak." He said, "My son was hired by this person and he committed fornication with his wife. He told me that my son deserved stoning, and I ransomed him for one hundred sheep and a slave-girl. Then I asked the people of knowledge and they told me that my son deserved to be flogged with one hundred lashes and exiled for a year, and they informed me that the woman deserved to be stoned." The Messenger of Allah, may Allah bless him and grant him peace, said, "By him in whose Hand myself is, I will judge between you by the Book of Allah. As for your sheep and slave girl, they should be returned to you. Your son should have one hundred lashes and be exiled for a year." He ordered Unays al-Aslami to go to the wife of the other man and to stone her if she confessed . She confessed and he stoned her.

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ أَبِي هُرَيْرَةَ، وَزَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ، أَنَّهُمَا أَخْبَرَاهُ أَنَّ رَجُلَيْنِ اخْتَصَمَا إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ أَحَدُهُمَا يَا رَسُولَ اللَّهِ اقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ وَقَالَ الآخَرُ وَهُوَ أَفْقَهُهُمَا أَجَلْ يَا رَسُولَ اللَّهِ فَاقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ وَائْذَنْ لِي أَنْ أَتَكَلَّمَ . قَالَ " تَكَلَّمْ " . فَقَالَ إِنَّ ابْنِي كَانَ عَسِيفًا عَلَى هَذَا فَزَنَا بِامْرَأَتِهِ فَأَخْبَرَنِي أَنَّ عَلَى ابْنِي الرَّجْمَ فَافْتَدَيْتُ مِنْهُ بِمِائَةِ شَاةٍ وَبِجَارِيَةٍ لِي ثُمَّ إِنِّي سَأَلْتُ أَهْلَ الْعِلْمِ فَأَخْبَرُونِي أَنَّ مَا عَلَى ابْنِي جَلْدُ مِائَةٍ وَتَغْرِيبُ عَامٍ وَأَخْبَرُونِي أَنَّمَا الرَّجْمُ عَلَى امْرَأَتِهِ . فَقَالَ رَسُولُ اللَّهِ " أَمَا وَالَّذِي نَفْسِي بِيَدِهِ لأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللَّهِ أَمَّا غَنَمُكَ وَجَارِيَتُكَ فَرَدٌّ عَلَيْكَ " . وَجَلَدَ ابْنَهُ مِائَةً وَغَرَّبَهُ عَامًا وَأَمَرَ أُنَيْسًا الأَسْلَمِيَّ أَنْ يَأْتِيَ امْرَأَةَ الآخَرِ فَإِنِ اعْتَرَفَتْ رَجَمَهَا فَاعْتَرَفَتْ فَرَجَمَهَا .

USC-MSA web (English) reference : Book 41, Hadith 6
Arabic reference : Book 41, Hadith 1508

Malik related to me from Suhayl ibn Abi Salih from his father from Abu Hurayra that Sad ibn Ubada said to the Messenger of Allah, may Allah bless him and grant him peace, "What do you think I should do if I were to find a man with my wife? Should I leave him there until I had brought four witnesses?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes."

حَدَّثَنِي مَالِكٌ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ سَعْدَ بْنَ عُبَادَةَ، قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم أَرَأَيْتَ لَوْ أَنِّي وَجَدْتُ مَعَ امْرَأَتِي رَجُلاً أَأُمْهِلُهُ حَتَّى آتِيَ بِأَرْبَعَةِ شُهَدَاءَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ " .

USC-MSA web (English) reference : Book 41, Hadith 7
Arabic reference : Book 41, Hadith 1509

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Abdullah ibn Abbas said, "I heard Umar ibn al- Khattab say, 'Stoning is in the Book of Allah for those who commit adultery, men or women when they are muhsan and when there is clear proof of pregnancy or a confession.' "

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ قَالَ سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ، يَقُولُ الرَّجْمُ فِي كِتَابِ اللَّهِ حَقٌّ عَلَى مَنْ زَنَى مِنَ الرِّجَالِ وَالنِّسَاءِ إِذَا أُحْصِنَ إِذَا قَامَتِ الْبَيِّنَةُ أَوْ كَانَ الْحَبَلُ أَوْ الاِعْتِرَافُ .

USC-MSA web (English) reference : Book 41, Hadith 8
Arabic reference : Book 41, Hadith 1510

Malik related to me from Yahya ibn Said from Sulayman ibn Yasar from Abu Waqid al-Laythi that a man came to Umar ibn al-Khattab while he was in ash-Sham . He mentioned to him that he had found a man with his wife Umar sent Abu Waqid al-Laythi to the wife to question her about that. He came to her while there were women around her and mentioned to her what her husband had mentioned to Umar ibn al- Khattab, and informed her that she would not be punished on his word and began to suggest to her by that, that she should retract. She refused to retract and held firm to confession. Umar gave the order and she was stoned.

حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي وَاقِدٍ اللَّيْثِيِّ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، أَتَاهُ رَجُلٌ وَهُوَ بِالشَّامِ فَذَكَرَ لَهُ أَنَّهُ وَجَدَ مَعَ امْرَأَتِهِ رَجُلاً فَبَعَثَ عُمَرُ بْنُ الْخَطَّابِ أَبَا وَاقِدٍ اللَّيْثِيَّ إِلَى امْرَأَتِهِ يَسْأَلُهَا عَنْ ذَلِكَ فَأَتَاهَا وَعِنْدَهَا نِسْوَةٌ حَوْلَهَا فَذَكَرَ لَهَا الَّذِي قَالَ زَوْجُهَا لِعُمَرَ بْنِ الْخَطَّابِ وَأَخْبَرَهَا أَنَّهَا لاَ تُؤْخَذُ بِقَوْلِهِ وَجَعَلَ يُلَقِّنُهَا أَشْبَاهَ ذَلِكَ لِتَنْزِعَ فَأَبَتْ أَنْ تَنْزِعَ وَتَمَّتْ عَلَى الاِعْتِرَافِ فَأَمَرَ بِهَا عُمَرُ فَرُجِمَتْ .

USC-MSA web (English) reference : Book 41, Hadith 9
Arabic reference : Book 41, Hadith 1511

Malik related to me that Yahya ibn Said heard Said ibn al- Musayyab say, "When Umar ibn al-Khattab came from Mina, he made his camel kneel at al-Abtah, and then he gathered a pile of small stones and cast his cloak over them and dropped to the ground. Then he raised his hands to the sky and said, 'O Allah! I have become old and my strength has weakened. My flock is scattered. Take me to You with nothing missed out and without having neglected anything.' Then he went to Madina and addressed the people. He said, 'People! Sunan have been laid down for you. Obligations have been placed upon you. You have been left with a clear way unless you lead people astray right and left.' He struck one of his hands on the other and then said, 'Take care lest you destroy the ayat of stoning so that one will say, "We do not find two hadds in the Book of Allah." The Messenger of Allah, may Allah bless him and grant him peace, stoned, so we have stoned. By He in Whose Hand my self is, had it not been that people would say that Umar ibn al-Khattab has added to the Book of Allah ta- ala, we would have written it, "The full-grown man and the full-grown woman, stone them absolutely." We have certainly recited that.'"

Malik said, "Yahya ibn Said said Said ibn al-Musayyab said, 'Dhu'l-Hijja had not passed before Umar was murdered, may Allah have mercy on him.' "
Yahya said that he had heard Malik say, "As for his words 'The full-grown man and the full-grown woman' he meant, 'The man and the woman who have been married, stone them absolutely.' "

حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ سَمِعَهُ يَقُولُ لَمَّا صَدَرَ عُمَرُ بْنُ الْخَطَّابِ مِنْ مِنًى أَنَاخَ بِالأَبْطَحِ ثُمَّ كَوَّمَ كَوْمَةً بَطْحَاءَ ثُمَّ طَرَحَ عَلَيْهَا رِدَاءَهُ وَاسْتَلْقَى ثُمَّ مَدَّ يَدَيْهِ إِلَى السَّمَاءِ فَقَالَ اللَّهُمَّ كَبِرَتْ سِنِّي وَضَعُفَتْ قُوَّتِي وَانْتَشَرَتْ رَعِيَّتِي

. فَاقْبِضْنِي إِلَيْكَ غَيْرَ مُضَيِّعٍ وَلاَ مُفَرِّطٍ . ثُمَّ قَدِمَ الْمَدِينَةَ فَخَطَبَ النَّاسَ فَقَالَ أَيُّهَا النَّاسُ قَدْ سُنَّتْ لَكُمُ السُّنَنُ وَفُرِضَتْ لَكُمُ الْفَرَائِضُ وَتُرِكْتُمْ عَلَى الْوَاضِحَةِ إِلاَّ أَنْ تَضِلُّوا بِالنَّاسِ يَمِينًا وَشِمَالاً وَضَرَبَ بِإِحْدَى يَدَيْهِ عَلَى الأُخْرَى ثُمَّ قَالَ إِيَّاكُمْ أَنْ تَهْلِكُوا عَنْ آيَةِ الرَّجْمِ أَنْ يَقُولَ قَائِلٌ لاَ نَجِدُ حَدَّيْنِ فِي كِتَابِ اللَّهِ فَقَدْ رَجَمَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَرَجَمْنَا وَالَّذِي نَفْسِي بِيَدِهِ لَوْلاَ أَنْ يَقُولَ النَّاسُ زَادَ عُمَرُ بْنُ الْخَطَّابِ فِي كِتَابِ اللَّهِ تَعَالَى . لَكَتَبْتُهَا الشَّيْخُ وَالشَّيْخَةُ فَارْجُمُوهُمَا الْبَتَّةَ . فَإِنَّا قَدْ قَرَأْنَاهَا . قَالَ مَالِكٌ قَالَ يَحْيَى بْنُ سَعِيدٍ قَالَ سَعِيدُ بْنُ الْمُسَيَّبِ فَمَا انْسَلَخَ ذُو الْحِجَّةِ حَتَّى قُتِلَ عُمَرُ رَحِمَهُ اللَّهُ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ قَوْلُهُ الشَّيْخُ وَالشَّيْخَةُ يَعْنِي الثَّيِّبَ وَالثَّيِّبَةَ فَارْجُمُوهُمَا الْبَتَّةَ . حَدَّثَنِي مَالِكٌ أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ الَّذِي يَعْمَلُ عَمَلَ قَوْمِ لُوطٍ فَقَالَ ابْنُ شِهَابٍ عَلَيْهِ الرَّجْمُ أَحْصَنَ أَوْ لَمْ يُحْصِنْ .

USC-MSA web (English) reference : Book 41, Hadith 10
Arabic reference : Book 41, Hadith 1512

Malik related to me that he had heard that Uthman ibn Affan was brought a woman who had given birth after six months and he ordered her to be stoned. Ali ibn Abi Talib said to him, "She does not deserve that. Allah, the Blessed, the Exalted, says in His Book, 'Their carrying and weaning is thirty months,' (Sura 46 ayat 15) and he said, 'Mothers suckle their children for two full years for whoever wishes to complete the suckling.' (Sura 2 ayat 233) Pregnancy can then be six months, so she does not deserve to be stoned." Uthman ibn Affan sent for her and found that she had already been stoned.

Malik related to me that he asked Ibn Shihab about someone who committed sodomy. Ibn Shihab said, "He is to be stoned, whether or not he is muhsan."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُثْمَانَ بْنَ عَفَّانَ، أُتِيَ بِامْرَأَةٍ قَدْ وَلَدَتْ فِي سِتَّةِ أَشْهُرٍ فَأَمَرَ بِهَا أَنْ تُرْجَمَ فَقَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ لَيْسَ ذَلِكَ عَلَيْهَا إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ فِي كِتَابِهِ {وَحَمْلُهُ وَفِصَالُهُ ثَلاَثُونَ شَهْرًا} وَقَالَ {وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلاَدَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ} فَالْحَمْلُ يَكُونُ سِتَّةَ أَشْهُرٍ فَلاَ رَجْمَ عَلَيْهَا . فَبَعَثَ عُثْمَانُ بْنُ عَفَّانَ فِي أَثَرِهَا فَوَجَدَهَا قَدْ رُجِمَتْ .

USC-MSA web (English) reference : Book 41, Hadith 11
Arabic reference : Book 41, Hadith 1513

Malik related to me from Zayd ibn Aslam that a man confessed to fornication in the time of the Messenger of Allah, may Allah bless him and grant him peace. The Messenger of Allah, may Allah bless him and grant him peace, called for a whip, and he was brought a broken whip. He said, "Above this," and he was brought a new whip whose knots had not been cut yet. He said, "Below this," and he was brought a whip which had been used and made flexible. The Messenger of Allah, may Allah bless him and grant him peace, gave the order and he was flogged. Then he said, "People! The time has come for you to observe the limits of Allah. Whoever has had any of these ugly things befall him should cover them up with the veil of Allah. Whoever reveals to us his wrong action, we perform what is in the Book of Allah against him."

حَدَّثَنِي مَالِكٌ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ رَجُلاً، اعْتَرَفَ عَلَى نَفْسِهِ بِالزِّنَا عَلَى عَهْدِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَدَعَا لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم بِسَوْطٍ فَأُتِيَ بِسَوْطٍ مَكْسُورٍ فَقَالَ " فَوْقَ هَذَا " . فَأُتِيَ بِسَوْطٍ جَدِيدٍ لَمْ تُقْطَعْ ثَمَرَتُهُ فَقَالَ " دُونَ هَذَا " . فَأُتِيَ بِسَوْطٍ قَدْ رُكِبَ بِهِ وَلاَنَ فَأَمَرَ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم فَجُلِدَ ثُمَّ قَالَ " أَيُّهَا النَّاسُ قَدْ آنَ لَكُمْ أَنْ تَنْتَهُوا عَنْ حُدُودِ اللَّهِ مَنْ أَصَابَ مِنْ هَذِهِ الْقَاذُورَاتِ شَيْئًا فَلْيَسْتَتِرْ بِسِتْرِ اللَّهِ فَإِنَّهُ مَنْ يُبْدِي لَنَا صَفْحَتَهُ نُقِمْ عَلَيْهِ كِتَابَ اللَّهِ " .

USC-MSA web (English) reference : Book 41, Hadith 12
Arabic reference : Book 41, Hadith 1514

Malik related to me from Nafi that Safiyya bint Abi Ubayd informed him that a man who had had intercourse with a virgin slave- girl and made her pregnant was brought to Abu Bakr as-Siddiq. He confessed to fornication, and he was not muhsan. Abu Bakr gave the order and he was flogged with the hadd punishment. Then he was banished to Fadak, (thirty miles from Madina).

Malik spoke about a person who confessed to fornication and then retracted it and said, "I didn't do it. I said that for such-and-such a reason," and he mentioned the reason. Malik said, "That is accepted from him and the hadd is not imposed on him. That is because the hadd is what is for Allah, and it is only applied by one of two means, either by a clear proof which establishes guilt or by a confession which is persisted in so that the hadd is imposed. If someone persists in his confession, the hadd is imposed on him."
Malik said, "I have not seen the people of knowledge exiling slaves who have committed adultery."
حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّ صَفِيَّةَ بِنْتَ أَبِي عُبَيْدٍ، أَخْبَرَتْهُ أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ أُتِيَ بِرَجُلٍ قَدْ وَقَعَ عَلَى جَارِيَةٍ بِكْرٍ فَأَحْبَلَهَا ثُمَّ اعْتَرَفَ عَلَى نَفْسِهِ بِالزِّنَا وَلَمْ يَكُنْ أَحْصَنَ فَأَمَرَ بِهِ أَبُو بَكْرٍ فَجُلِدَ الْحَدَّ ثُمَّ نُفِيَ إِلَى فَدَكَ .

USC-MSA web (English) reference : Book 41, Hadith 13
Arabic reference : Book 41, Hadith 1515

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Abu Hurayra and Zayd ibn Khalid al-Juhani that the Messenger of Allah, may Allah bless him and grant him peace, was asked about a slave-girl who committed fornication and was not muhsana. He said, "If she commits fornication, then flog her. If she commits fornication again, then flog her, and if she commits fornication again, then sell her, if only for a rope."

Ibn Shihab added, "I don't know whether it was three or four times."
حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ أَبِي هُرَيْرَةَ، وَزَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سُئِلَ عَنِ الأَمَةِ إِذَا زَنَتْ وَلَمْ تُحْصِنْ فَقَالَ " إِنْ زَنَتْ فَاجْلِدُوهَا ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا ثُمَّ بِيعُوهَا وَلَوْ بِضَفِيرٍ " . قَالَ ابْنُ شِهَابٍ لاَ أَدْرِي أَبَعْدَ الثَّالِثَةِ أَوِ الرَّابِعَةِ .

USC-MSA web (English) reference : Book 41, Hadith 14
Arabic reference : Book 41, Hadith 1516

Malik related to me from Nafi that a slave was in charge of the slaves in the khumus and he forced a slave-girl among those slaves against her will and had intercourse with her. Umar ibn al-Khattab had him flogged and banished him, and he did not flog the slave-girl because the slave had forced her.

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّ عَبْدًا، كَانَ يَقُومُ عَلَى رَقِيقِ الْخُمُسِ وَأَنَّهُ اسْتَكْرَهَ جَارِيَةً مِنْ ذَلِكَ الرَّقِيقِ فَوَقَعَ بِهَا فَجَلَدَهُ عُمَرُ بْنُ الْخَطَّابِ وَنَفَاهُ وَلَمْ يَجْلِدِ الْوَلِيدَةَ لأَنَّهُ اسْتَكْرَهَهَا .

USC-MSA web (English) reference : Book 41, Hadith 15
Arabic reference : Book 41, Hadith 1517

Malik related to me from Yahya ibn Said that Sulayman ibn Yasar informed him that Abdullah ibn Abbas ibn Abi Rabia al-Makhzumi said, "Umar ibn al-Khattab gave me orders about the slaves of Quraysh and we flogged some of the slave-girls of the muslim lands fifty times each for fornication."

حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ سُلَيْمَانَ بْنَ يَسَارٍ، أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَيَّاشِ بْنِ أَبِي رَبِيعَةَ الْمَخْزُومِيَّ قَالَ أَمَرَنِي عُمَرُ بْنُ الْخَطَّابِ فِي فِتْيَةٍ مِنْ قُرَيْشٍ فَجَلَدْنَا وَلاَئِدَ مِنْ وَلاَئِدِ الإِمَارَةِ خَمْسِينَ خَمْسِينَ فِي الزِّنَا .

USC-MSA web (English) reference : Book 41, Hadith 16
Arabic reference : Book 41, Hadith 1518

Malik said, "The position with us about a woman who is found to be pregnant and has no husband and she says, 'I was forced,' or she says, 'I was married,' is that it is not accepted from her and the hadd is inflicted on her unless she has a clear proof of what she claims about the marriage or that she was forced or she comes bleeding if she was a virgin or she calls out for help so that someone comes to her and she is in that state or what resembles it of the situation in which the violation occurred." He said, "If she does not produce any of those, the hadd is inflicted on her and what she claims of that is not accepted from her."

Malik said, "A raped woman cannot marry until she has restored herself by three menstrual periods."
He said, "If she doubts her periods, she does not marry until she has freed herself of that doubt."

USC-MSA web (English) reference : Book 41, Hadith 16

Malik related to me from Abu'z-Zinad that he said, "Umar ibn Abd al-Aziz flogged a slave with eighty lashes for slander."

Abu'z-Zinad said, "I asked Abdullah ibn Amir ibn Rabia about that. He said, 'I saw Umar ibn al-Khattab, Uthman ibn Affan, the Khalifs, and so on, and I did not see any of them flog a slave more than forty lashes for slander.' "

حَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، أَنَّهُ قَالَ جَلَدَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ عَبْدًا فِي فِرْيَةٍ ثَمَانِينَ . قَالَ أَبُو الزِّنَادِ فَسَأَلْتُ عَبْدَ اللَّهِ بْنَ عَامِرِ بْنِ رَبِيعَةَ عَنْ ذَلِكَ فَقَالَ أَدْرَكْتُ عُمَرَ بْنَ الْخَطَّابِ وَعُثْمَانَ بْنَ عَفَّانَ وَالْخُلَفَاءَ هَلُمَّ جَرًّا فَمَا رَأَيْتُ أَحَدًا جَلَدَ عَبْدًا فِي فِرْيَةٍ أَكْثَرَ مِنْ أَرْبَعِينَ .

USC-MSA web (English) reference : Book 41, Hadith 17
Arabic reference : Book 41, Hadith 1519

Malik related to me from Zurayq ibn Hakim al-Ayli that a man called Misbah asked his son for help and he thought him unnecessarily slow. When the son came, his father said to him, "O fornicator." Zurayq said, "So the son asked me to help him against the father. When I wanted to flog him, his son said, 'By Allah, if you flog him, I will acknowledge that I have committed fornication.' When he said that, the situation was confused for me, so I wrote about it to Umar ibn Abd al- Aziz who was the governor at that time, and I mentioned it to him. Umar wrote me to permit his pardon."

Zurayq said, "I wrote to Umar ibn Abd al-Aziz also, 'What do you think about a man who is slandered or his parents are slandered and both or only one of them are dead?' He said, Umar wrote to me, 'If he forgives, his pardon is permitted for himself. If his parents are slandered and one or both of them are dead, take the judgement of the Book of Allah for it unless he wants to veil it.' "
Yahya said, "I heard Malik say, 'That is because the slandered man might fear that if that is unveiled about him, a clear proof might be established. If it is according to what we have described, his pardon is permitted."

حَدَّثَنِي مَالِكٌ، عَنْ زُرَيْقِ بْنِ حَكِيمٍ الأَيْلِيِّ، أَنَّ رَجُلاً، يُقَالُ لَهُ مِصْبَاحٌ اسْتَعَانَ ابْنًا لَهُ فَكَأَنَّهُ اسْتَبْطَأَهُ فَلَمَّا جَاءَهُ قَالَ لَهُ يَا زَانٍ . قَالَ زُرَيْقٌ فَاسْتَعْدَانِي عَلَيْهِ فَلَمَّا أَرَدْتُ أَنْ أَجْلِدَهُ قَالَ ابْنُهُ وَاللَّهِ لَئِنْ جَلَدْتَهُ لأَبُوأَنَّ عَلَى نَفْسِي بِالزِّنَا . فَلَمَّا قَالَ ذَلِكَ أَشْكَلَ عَلَىَّ

أَمْرُهُ فَكَتَبْتُ فِيهِ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ - وَهُوَ الْوَالِي يَوْمَئِذٍ - أَذْكُرُ لَهُ ذَلِكَ فَكَتَبَ إِلَيَّ عُمَرُ أَنْ أَجِزْ عَفْوَهُ . قَالَ زُرَيْقٌ وَكَتَبْتُ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَيْضًا أَرَأَيْتَ رَجُلاً افْتُرِيَ عَلَيْهِ أَوْ عَلَى أَبَوَيْهِ وَقَدْ هَلَكَا أَوْ أَحَدُهُمَا . قَالَ فَكَتَبَ إِلَيَّ عُمَرُ إِنْ عَفَا فَأَجِزْ عَفْوَهُ فِي نَفْسِهِ وَإِنِ افْتُرِيَ عَلَى أَبَوَيْهِ وَقَدْ هَلَكَا أَوْ أَحَدُهُمَا فَخُذْ لَهُ بِكِتَابِ اللَّهِ إِلاَّ أَنْ يُرِيدَ سِتْرًا . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ وَذَلِكَ أَنْ يَكُونَ الرَّجُلُ الْمُفْتَرَى عَلَيْهِ يَخَافُ إِنْ كُشِفَ ذَلِكَ مِنْهُ أَنْ تَقُومَ عَلَيْهِ بَيِّنَةٌ فَإِذَا كَانَ عَلَى مَا وَصَفْتُ فَعَفَا جَازَ عَفْوُهُ .

USC-MSA web (English) reference : Book 41, Hadith 18
Arabic reference : Book 41, Hadith 1520

Malik related to me from Hisham ibn Urwa that his father said that there was only one hadd against a man who slandered a group of people.

Malik said, "If they are on separate occasions there is still only one hadd against him."
Malik related to me from Abu'r-Rijal Muhammad ibn Abd ar-Rahman ibn Haritha ibn an-Numan al- Ansari, then from the Banu'n-Najar from his mother Amra bint Abd ar- Rahman that two men cursed each other in the time of Umar ibn al- Khattab. One of them said to the other, " By Allah, my father is not an adulterer and my mother is not an adulteress." Umar ibn al-Khattab asked advice about that. One person said, "He has praised his father and mother." Another said, "His father and mother have praise other than this. We think that he is to be flogged with the hadd." So Umar flogged him with the hadd of eighty lashes.
Malik said, "There is no hadd in our view except for slander, denial or insinuation, in which one sees that the speaker intends by that denial or slander. Then the hadd is completely imposed on the one who said it."
Malik said, "What is done in our community when a man denies that another man is from his father, is that he deserves the hadd. If the mother who is denied is a slave, then he deserves the hadd as well. '
حَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ فِي رَجُلٍ قَذَفَ قَوْمًا جَمَاعَةً أَنَّهُ لَيْسَ عَلَيْهِ إِلاَّ حَدٌّ وَاحِدٌ . قَالَ مَالِكٌ وَإِنْ تَفَرَّقُوا فَلَيْسَ عَلَيْهِ إِلاَّ حَدٌّ وَاحِدٌ .

حَدَّثَنِي مَالِكٌ، عَنْ أَبِي الرِّجَالِ، مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ حَارِثَةَ بْنِ النُّعْمَانِ الأَنْصَارِيِّ ثُمَّ مِنْ بَنِي النَّجَّارِ عَنْ أُمِّهِ، عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ أَنَّ رَجُلَيْنِ، اسْتَبَّا فِي زَمَانِ عُمَرَ بْنِ الْخَطَّابِ فَقَالَ أَحَدُهُمَا لِلآخَرِ وَاللَّهِ مَا أَبِي بِزَانٍ وَلاَ أُمِّي بِزَانِيَةٍ . فَاسْتَشَارَ فِي ذَلِكَ عُمَرُ بْنُ الْخَطَّابِ فَقَالَ قَائِلٌ مَدَحَ أَبَاهُ وَأُمَّهُ وَقَالَ آخَرُونَ قَدْ كَانَ لأَبِيهِ وَأُمِّهِ مَدْحٌ غَيْرُ هَذَا نَرَى أَنْ تَجْلِدَهُ الْحَدَّ . فَجَلَدَهُ عُمَرُ الْحَدَّ ثَمَانِينَ . قَالَ مَالِكٌ لاَ حَدَّ عِنْدَنَا إِلاَّ فِي نَفْيٍ أَوْ قَذْفٍ أَوْ تَعْرِيضٍ يُرَى أَنَّ قَائِلَهُ إِنَّمَا أَرَادَ بِذَلِكَ نَفْيًا أَوْ قَذْفًا فَعَلَى مَنْ قَالَ ذَلِكَ الْحَدُّ تَامًّا . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّهُ إِذَا نَفَى رَجُلٌ رَجُلاً مِنْ أَبِيهِ فَإِنَّ عَلَيْهِ الْحَدَّ وَإِنْ كَانَتْ أُمُّ الَّذِي نُفِيَ مَمْلُوكَةً فَإِنَّ عَلَيْهِ الْحَدَّ .

USC-MSA web (English) reference : Book 41, Hadith 19
Arabic reference : Book 41, Hadith 1521

Malik said, "The best of what is heard about a slave-girl whom a man has intercourse with while he has a partner in her is that the hadd is not inflicted on him and the child is connected to him. When the slave-girl becomes pregnant, her value is estimated and he gives his partners their shares of the price and the slave-girl is his. That is what is done among us."

Malik said about a man who made his slave-girl halal to a man that if the one for whom she was made halal had intercourse with her, her value was estimated on the day he had intercourse with her and he owed that to her owner whether or not she conceived. The hadd was averted from him by that. If she conceived the child was connected to him.
Malik said about a man who had intercourse with his son's or daughter's slave-girl, "The hadd is averted from him and he owes the estimated value of the slave-girl whether or not she conceives."

USC-MSA web (English) reference : Book 41, Hadith 19

Malik related to me from Rabia ibn Abi Abd ar-Rahman that Umar ibn al-Khattab spoke about a man who went out with his wife's slave- girl on a journey and had intercourse with her and then the wife became jealous and mentioned that to Umar ibn al-Khattab. Umar questioned him about it. He said, "She gave her to me." Umar said, "Bring me a clear proof or I will stone you." Rabia added, "The wife confessed that she had given her to him."

حَدَّثَنِي مَالِكٌ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لِرَجُلٍ خَرَجَ بِجَارِيَةٍ لاِمْرَأَتِهِ مَعَهُ فِي سَفَرٍ فَأَصَابَهَا فَغَارَتِ امْرَأَتُهُ . فَذَكَرَتْ ذَلِكَ لِعُمَرَ بْنِ الْخَطَّابِ فَسَأَلَهُ عَنْ ذَلِكَ فَقَالَ وَهَبَتْهَا لِي . فَقَالَ عُمَرُ لَتَأْتِينِي بِالْبَيِّنَةِ أَوْ لأَرْمِيَنَّكَ بِالْحِجَارَةِ . قَالَ فَاعْتَرَفَتِ امْرَأَتُهُ أَنَّهَا وَهَبَتْهَا لَهُ .

USC-MSA web (English) reference : Book 41, Hadith 20
Arabic reference : Book 41, Hadith 1523

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, cut off the hand of a man who stole a shield whose price was three dirhams.

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَطَعَ فِي مِجَنٍّ ثَمَنُهُ ثَلاَثَةُ دَرَاهِمَ .

USC-MSA web (English) reference : Book 41, Hadith 21
Arabic reference : Book 41, Hadith 1524

Yahya related to me from Malik from Abdullah ibn Abd ar-Rahman abu Husayn al-Makki that the Messenger of Allah, may Allah bless him and grant him peace, said, "The hand is not cut off for fruit hanging on the tree and for sheep kept in the mountains. So when they are taken from the fold or the place where the fruit is dried, a hand is cut off for whatever reaches the price of a shield."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي حُسَيْنٍ الْمَكِّيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ قَطْعَ فِي ثَمَرٍ مُعَلَّقٍ وَلاَ فِي حَرِيسَةِ جَبَلٍ " فَإِذَا آوَاهُ الْمُرَاحُ أَوِ الْجَرِينُ فَالْقَطْعُ فِيمَا يَبْلُغُ ثَمَنَ الْمِجَنِّ .

USC-MSA web (English) reference : Book 41, Hadith 22
Arabic reference : Book 41, Hadith 1525

Yahya related to me from Malik from Abdullah ibn Abi Bakr from his father from Amra bint Abd ar-Rahman that a thief stole a citron in the time of Uthman Uthman ibn Affan ordered its value to be estimated and it was estimated at three dirhams at the rate of exchange of twelve dirhams for the dinar, so Uthman cut off his hand.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّ سَارِقًا، سَرَقَ فِي زَمَانِ عُثْمَانَ أُتْرُجَّةً فَأَمَرَ بِهَا عُثْمَانُ بْنُ عَفَّانَ أَنْ تُقَوَّمَ فَقُوِّمَتْ بِثَلاَثَةِ دَرَاهِمَ مِنْ صَرْفِ اثْنَىْ عَشَرَ دِرْهَمًا بِدِينَارٍ فَقَطَعَ عُثْمَانُ يَدَهُ .

USC-MSA web (English) reference : Book 41, Hadith 23
Arabic reference : Book 41, Hadith 1526

Yahya related to me from Malik from Yahya ibn Said from Amra bint Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "It has not been a long time for me and I have not forgotten. A thief's hand is cut off for a quarter of a dinar and upwards."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ مَا طَالَ عَلَىَّ وَمَا نَسِيتُ " الْقَطْعُ فِي رُبُعِ دِينَارٍ فَصَاعِدًا " .

USC-MSA web (English) reference : Book 41, Hadith 24
Arabic reference : Book 41, Hadith 1527

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazim that Amra bint Abd ar-Rahman said, "A'isha, the wife of the Prophet, may Allah bless him and grant him peace, went out to Makka and she had two girl mawlas of hers and a slave belonging to the sons of Abdullah ibn Abi Bakr as-Siddiq . She sent a figured cloak with the two mawlas which was sewn up in a piece of green cloth."

Amra continued, "The slave took it and unstitched it and took out the cloak. In its place, he put some felt or skin and sewed it up again. When the mawla girls came to Madina, they gave it to his people. When they opened it, they found felt in it and did not find the cloak. They spoke to the two women and they spoke to A'isha, the wife of the Prophet, may Allah bless him and grant him peace, or they wrote to her and suspected the slave. The slave was asked about it and confessed. A'isha, the wife of the Prophet, may Allah bless him and grant him peace, gave the order and his hand was cut off. A'isha said, 'A thief's hand is cut off for a quarter of a dinar and upwards.' "
Malik said, "The limit I prefer above which cutting off the hand is obliged is three dirhams, whether the exchange is high or low. That is because the Messenger of Allah, may Allah bless him and grant him peace, cut off the hand of a thief for a shield whose value was three dirhams, and Uthman ibn Affan cut off the hand of a thief for a citron which was estimated at three dirhams. This is what I prefer of what I have heard on the matter."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّهَا قَالَتْ خَرَجَتْ عَائِشَةُ زَوْجُ النَّبِيِّ صلى الله عليه وسلم إِلَى مَكَّةَ وَمَعَهَا مَوْلاَتَانِ لَهَا وَمَعَهَا غُلاَمٌ لِبَنِي عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ فَبَعَثَتْ مَعَ الْمَوْلاَتَيْنِ بِبُرْدٍ مُرَجَّلٍ قَدْ خِيطَ عَلَيْهِ خِرْقَةٌ خَضْرَاءُ قَالَتْ فَأَخَذَ الْغُلاَمُ الْبُرْدَ فَفَتَقَ عَنْهُ فَاسْتَخْرَجَهُ وَجَعَلَ مَكَانَهُ لِبْدًا أَوْ فَرْوَةً وَخَاطَ عَلَيْهِ فَلَمَّا قَدِمَتِ الْمَوْلاَتَانِ الْمَدِينَةَ دَفَعَتَا ذَلِكَ إِلَى أَهْلِهِ فَلَمَّا فَتَقُوا عَنْهُ وَجَدُوا فِيهِ اللِّبْدَ وَلَمْ يَجِدُوا الْبُرْدَ فَكَلَّمُوا الْمَرْأَتَيْنِ فَكَلَّمَتَا عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم أَوْ كَتَبَتَا إِلَيْهَا وَاتَّهَمَتَا الْعَبْدَ فَسُئِلَ الْعَبْدُ عَنْ ذَلِكَ فَاعْتَرَفَ فَأَمَرَتْ بِهِ عَائِشَةُ زَوْجُ النَّبِيِّ صلى الله عليه وسلم فَقُطِعَتْ يَدُهُ وَقَالَتْ عَائِشَةُ الْقَطْعُ فِي رُبُعِ دِينَارٍ فَصَاعِدًا .

USC-MSA web (English) reference : Book 41, Hadith 25
Arabic reference : Book 41, Hadith 1528

Yahya related to me from Malik from Nafi that a slave of Abdullah ibn Umar stole while he was a runaway. Abdullah ibn Umar sent him to Said ibn al-As, who was the amir of Madina, to cut off his hand. Said refused to cut off his hand. He said, "The hand of a runaway slave is not cut off when he steals." Abdullah ibn Umar said to him, "In what Book of Allah did you find this?" Then Abdullah ibn Umar gave the order, and his hand was cut off.

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدًا، لِعَبْدِ اللَّهِ بْنِ عُمَرَ سَرَقَ وَهُوَ آبِقٌ فَأَرْسَلَ بِهِ عَبْدُ اللَّهِ بْنُ عُمَرَ إِلَى سَعِيدِ بْنِ الْعَاصِ - وَهُوَ أَمِيرُ الْمَدِينَةِ - لِيَقْطَعَ يَدَهُ فَأَبَى سَعِيدٌ أَنْ يَقْطَعَ يَدَهُ وَقَالَ لاَ تُقْطَعُ يَدُ الآبِقِ السَّارِقِ إِذَا سَرَقَ . فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ عُمَرَ فِي أَىِّ كِتَابِ اللَّهِ وَجَدْتَ هَذَا ثُمَّ أَمَرَ بِهِ عَبْدُ اللَّهِ بْنُ عُمَرَ فَقُطِعَتْ يَدُهُ .

USC-MSA web (English) reference : Book 41, Hadith 26
Arabic reference : Book 41, Hadith 1529

Yahya related to me from Malik that Zurayq ibn Hakim informed him that he had a runaway slave who had stolen. He said, "The situation was obscure for me, so I wrote to Umar ibn Abd al-Aziz to ask him about it. He was the governor at that time. I informed him that I had heard that if a runaway slave stole while he was a fugitive, his hand was not cut off. 'Umar ibn Abd al-Aziz wrote to contradict my letter, 'You wrote to me that you have heard that when the runaway slave steals, his hand is not cut off. Allah, the Blessed, the Exalted, says in His Book, 'The thief, male and female, cut off the hands of both, as a recompense for what they have earned, and an exemplary punishment from Allah. Allah is Mighty, Wise.' (Sura 5 ayat 41) When his theft reaches a quarter of a dinar, and upwards, his hand is cut off.' "

Yahya related to me from Malik that he had heard that al- Qasim ibn Muhammad and Salim ibn Abdullah and Urwa ibn az-Zubayr said, "When a runaway slave steals something for which cutting off the hand is obliged, his hand is cut off."
Malik said, "The way of doing things amongst us about which there is no dispute is that when the runaway slave steals that for which cutting off the hand is obliged, his hand is cut off."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زُرَيْقِ بْنِ حَكِيمٍ، أَنَّهُ أَخْبَرَهُ أَنَّهُ، أَخَذَ عَبْدًا آبِقًا قَدْ سَرَقَ قَالَ فَأَشْكَلَ عَلَىَّ أَمْرُهُ - قَالَ - فَكَتَبْتُ فِيهِ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَسْأَلُهُ عَنْ ذَلِكَ وَهُوَ الْوَالِي يَوْمَئِذٍ - قَالَ - فَأَخْبَرْتُهُ أَنَّنِي كُنْتُ أَسْمَعُ أَنَّ الْعَبْدَ الآبِقَ إِذَا سَرَقَ وَهُوَ آبِقٌ لَمْ تُقْطَعْ يَدُهُ - قَالَ - فَكَتَبَ إِلَىَّ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ نَقِيضَ كِتَابِي يَقُولُ كَتَبْتَ إِلَىَّ أَنَّكَ كُنْتَ تَسْمَعُ أَنَّ الْعَبْدَ الآبِقَ إِذَا سَرَقَ لَمْ تُقْطَعْ يَدُهُ وَأَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ فِي كِتَابِهِ {وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالاً مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ} . فَإِنْ بَلَغَتْ سَرِقَتُهُ رُبُعَ دِينَارٍ فَصَاعِدًا فَاقْطَعْ يَدَهُ .

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ، وَسَالِمَ بْنَ عَبْدِ اللَّهِ، وَعُرْوَةَ بْنَ الزُّبَيْرِ، كَانُوا يَقُولُونَ إِذَا سَرَقَ الْعَبْدُ الآبِقُ مَا يَجِبُ فِيهِ الْقَطْعُ قُطِعَ . قَالَ مَالِكٌ وَذَلِكَ الأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا أَنَّ الْعَبْدَ الآبِقَ إِذَا سَرَقَ مَا يَجِبُ فِيهِ الْقَطْعُ قُطِعَ .

USC-MSA web (English) reference : Book 41, Hadith 27
Arabic reference : Book 41, Hadith 1530

Yahya related to me from Malik from Ibn Shihab from Safwan ibn Abdullah ibn Safwan that it was said to Safwan ibn Umayya, "Whoever does not do hijra is ruined." So Safwan ibn Umayya went to Madina and slept in the mosque with his cloak as a pillow. A thief came and took his cloak and Safwan grabbed hold of the thief and brought him to the Messenger of Allah, may Allah bless him and grant him peace. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Did you steal this cloak?" He said, "Yes." So the Messenger of Allah, may Allah bless him and grant him peace, ordered that his hand be cut off. Safwan said to him, "I did not intend this. It is his as sadaqa." The Messenger of Allah, may Allah bless him and grant him peace, said, "Why didn't you do it before bringing him to me?"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ صَفْوَانَ بْنِ عَبْدِ اللَّهِ بْنِ صَفْوَانَ، أَنَّ صَفْوَانَ بْنَ أُمَيَّةَ، قِيلَ لَهُ إِنَّهُ مَنْ لَمْ يُهَاجِرْ هَلَكَ . فَقَدِمَ صَفْوَانُ بْنُ أُمَيَّةَ الْمَدِينَةَ فَنَامَ فِي الْمَسْجِدِ وَتَوَسَّدَ رِدَاءَهُ فَجَاءَ سَارِقٌ فَأَخَذَ رِدَاءَهُ فَأَخَذَ صَفْوَانُ السَّارِقَ فَجَاءَ بِهِ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَسَرَقْتَ رِدَاءَ هَذَا " . قَالَ نَعَمْ . فَأَمَرَ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ تُقْطَعَ يَدُهُ فَقَالَ لَهُ صَفْوَانُ إِنِّي لَمْ أُرِدْ هَذَا يَا رَسُولَ اللَّهِ هُوَ عَلَيْهِ صَدَقَةٌ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " فَهَلاَّ قَبْلَ أَنْ تَأْتِيَنِي بِهِ " .

USC-MSA web (English) reference : Book 41, Hadith 28
Arabic reference : Book 41, Hadith 1532

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that az-Zubayr ibn al-Awwam came across a man who had taken hold of a thief and was intending to take him to the Sultan. Az-Zubayr ibn al- Awwam interceded for him to let him go. He said, "No. Not until I take him to the Sultan." Az-Zubayr said, "When you reach the Sultan with him, Allah curses the one who intercedes and the one who accepts the intercession."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ الزُّبَيْرَ بْنَ الْعَوَّامِ، لَقِيَ رَجُلاً قَدْ أَخَذَ سَارِقًا وَهُوَ يُرِيدُ أَنْ يَذْهَبَ بِهِ إِلَى السُّلْطَانِ فَشَفَعَ لَهُ الزُّبَيْرُ لِيُرْسِلَهُ فَقَالَ لاَ حَتَّى أَبْلُغَ بِهِ السُّلْطَانَ . فَقَالَ الزُّبَيْرُ إِذَا بَلَغْتَ بِهِ السُّلْطَانَ فَلَعَنَ اللَّهُ الشَّافِعَ وَالْمُشَفِّعَ .

USC-MSA web (English) reference : Book 41, Hadith 29
Arabic reference : Book 41, Hadith 1533

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that a man from Yemen who had his hand and foot cut off came and went before Abu Bakr as-Siddiq and complained to him that the governor of the Yemen had wronged him, and the man used to pray part of the night. Abu Bakr said, "By your father, your night is not the night of a thief." Then they missed a necklace of Asma bint Umays, the wife of Abu Bakr as-Siddiq. The man came to go around with them looking for it. He said, "O Allah! You are responsible for the one who invaded the people of this good house by night!" They found the jewelry with a goldsmith. He claimed that the maimed man had brought it to him. The maimed man confessed or it was testified against him. Abu Bakr as-Siddiq ordered that his left hand be cut off. Abu Bakr said, "By Allah! His dua against himself is more serious, as far as I am concerned, than his theft."

Yahya said that Malik said, "What is done among us about the person who steals several times and is then called to reckoning, is that only his hand is cut off for all he stole when the hadd has not been applied againsthim. If the hadd has been applied against him before that, and he steals what obliges cutting off, then the next limb is cut off."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّ رَجُلاً، مِنْ أَهْلِ الْيَمَنِ أَقْطَعَ الْيَدِ وَالرِّجْلِ قَدِمَ فَنَزَلَ عَلَى أَبِي بَكْرٍ الصِّدِّيقِ فَشَكَا إِلَيْهِ أَنَّ عَامِلَ الْيَمَنِ قَدْ ظَلَمَهُ فَكَانَ يُصَلِّي مِنَ اللَّيْلِ فَيَقُولُ أَبُو بَكْرٍ وَأَبِيكَ مَا لَيْلُكَ بِلَيْلِ سَارِقٍ . ثُمَّ إِنَّهُمْ فَقَدُوا عِقْدًا لأَسْمَاءَ بِنْتِ عُمَيْسٍ امْرَأَةِ أَبِي بَكْرٍ الصِّدِّيقِ فَجَعَلَ الرَّجُلُ يَطُوفُ مَعَهُمْ وَيَقُولُ اللَّهُمَّ عَلَيْكَ بِمَنْ بَيَّتَ أَهْلَ هَذَا الْبَيْتِ الصَّالِحِ . فَوَجَدُوا الْحُلِيَّ عِنْدَ صَائِغٍ زَعَمَ أَنَّ الأَقْطَعَ جَاءَهُ بِهِ فَاعْتَرَفَ بِهِ الأَقْطَعُ أَوْ شُهِدَ عَلَيْهِ بِهِ فَأَمَرَ بِهِ أَبُو بَكْرٍ الصِّدِّيقُ فَقُطِعَتْ يَدُهُ الْيُسْرَى وَقَالَ أَبُو بَكْرٍ وَاللَّهِ لَدُعَاؤُهُ عَلَى نَفْسِهِ أَشَدُّ عِنْدِي عَلَيْهِ مِنْ سَرِقَتِهِ . قَالَ يَحْيَى قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الَّذِي يَسْرِقُ مِرَارًا ثُمَّ يُسْتَعْدَى عَلَيْهِ إِنَّهُ لَيْسَ عَلَيْهِ إِلاَّ أَنْ تُقْطَعَ يَدُهُ لِجَمِيعِ مَنْ سَرَقَ مِنْهُ إِذَا لَمْ يَكُنْ أُقِيمَ عَلَيْهِ الْحَدُّ فَإِنْ كَانَ قَدْ أُقِيمَ عَلَيْهِ الْحَدُّ قَبْلَ ذَلِكَ ثُمَّ سَرَقَ مَا يَجِبُ فِيهِ الْقَطْعُ قُطِعَ أَيْضًا .

USC-MSA web (English) reference : Book 41, Hadith 30
Arabic reference : Book 41, Hadith 1534

Yahya related to me from Malik that Abu'z-Zinad informed him that a governor of Umar ibn Abd al-Aziz took some people in battle and had not killed any of them. He wanted to cut off their hands or kill them, so he wrote to Umar ibn Abd al-Aziz about that Umar ibn Abd al-Aziz wrote to him, "Better to take less than that."

Yahya said that he heard Malik say, "What is done among us about a person who steals the goods of people which are placed under guard in the markets, and their owners put them in their containers and store them together is that if anyone steals any of that from where it is kept, and its value reaches that for which cutting off the hand is obliged, his hand must be cut off, whether or not the owner of the goods is with his goods and whether it is night or day."
Malik said about some one who stole something for which cutting off the hand was obliged and then what he stole was found with him and he returned it to its owner, "His hand is cut off."
Malik said, "If someon says, 'How can his hand be cut off when the goods have been taken from him and returned to their owner?', it is because he is in the same position as the wine drinker when the smell of the wine is found on his breath and he is not drunk. He is flogged with the hadd.
"The hadd is imposed for drinking wine even if it does not make the man intoxicated. That is because he drank it to become intoxicated. It is the same as that with cutting off the hand of the thief for theft when it is taken from him, even if he has not profited from it and it was returned to its owner. When he stole it, he stole it to take it away."
Malik said that if some people came to a house and robbed it together, and then they left with a sack or box or a board or basket or the like of that which they carried together, and when they took it out of its guarded place, they carried it together, and the price of what they took reached that for which cutting off the hand was obliged, and that was three dirhams and upwards, each of them had his hand cut off.
"If each of them takes out something by himself, whoever of them takes out something whose value reaches three dirhams and upwards must have his hand cut off. If any of them takes out something whose value does not reach three dirhams, he does not have his hand cut off."
Yahya said that Malik said, "What is done among us is that when a man's house is locked and he is the only one living in it, cutting off the hand is not obliged against the one who steals something from it until he takes it out of the house completely. That is because all of the house is a place of custody. If someone other than him lives in the house and each of them locks his door, and it is a place of custody for each of them, whoever steals anything from the apartments of that house must have his hand cut off when he leaves the apartment and goes into the main house. He has removed it from its place of custody to another place and he must have his hand cut off."
Malik said, "What is done in our community about a slave who steals from the property of his master is that if he is not in service and among those trusted in the house and he enters secretly and steals from his master something that for which cutting off the hand is obliged, his hand is not cut off. It is like that with a slave-girl when she steals from her master's property. Her hand is not cut off."
Malik then spoke about a slave who was not in service and not one of those trusted in the house, and he entered secretly and stole from the property of his master's wife that for which cutting off the hand was obliged. He said, "His hand is cut off."
"It is like that with the wife's slave-girl when she does not serve her or her husband nor is she trusted in the house and she enters secretly and steals from her mistress's property that for which cutting off the hand is obliged. Her hand is not cut off."
"It is like that with the wife's slave-girl who is not in her service and is not trusted in the house and she enters secretly and steals from the property of her mistress's husband something for which cutting off the hand is obliged. Her hand is cut off."
It is like that with the man who steals from his wife's goods or the wife who steals from her husband's goods something for which cutting off the hand is obliged. If the thing which one of them steals from his spouse's property is in a room other than the room which they both lock for themselves, or it is in a place of custody in a room other

than the room which they are in, whichever of them steals something for which cutting off the hand is obliged, their hand should be cut off."
Malik spoke about a small child and a foreigner who does not speak clearly. He said, "If they are robbed of something from its place of custody or from under a lock, the one who stole it has his hand cut off. If the property is outside of its place of custody or locked room(when it is stolen), the one who robbed them does not have his hand cut off. It is then in the position of sheep stolen from the mountain and uncut fruit hanging on the trees "
Malik said, "What is done among us about a person who robs graves is that if what he takes from the grave reaches what cutting off the hand is obliged for, his hand is cut off . That is because the grave is a place of custody for what is in it just as houses are a place of custody for what is in them. "
Malik added, "Cutting off the hand is not obliged for him until he takes it out of the grave."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّ أَبَا الزِّنَادِ، أَخْبَرَهُ أَنَّ عَامِلاً لِعُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَخَذَ نَاسًا فِي حِرَابَةٍ وَلَمْ يَقْتُلُوا أَحَدًا فَأَرَادَ أَنْ يَقْطَعَ أَيْدِيَهُمْ أَوْ يَقْتُلَ فَكَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فِي ذَلِكَ فَكَتَبَ إِلَيْهِ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ لَوْ أَخَذْتَ بِأَيْسَرِ ذَلِكَ . قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا يَقُولُ الأَمْرُ عِنْدَنَا فِي الَّذِي يَسْرِقُ أَمْتِعَةَ النَّاسِ الَّتِي تَكُونُ مَوْضُوعَةً بِالأَسْوَاقِ مُحْرَزَةً قَدْ أَحْرَزَهَا أَهْلُهَا فِي أَوْعِيَتِهِمْ وَضَمُّوا بَعْضَهَا إِلَى بَعْضٍ إِنَّهُ مَنْ سَرَقَ مِنْ ذَلِكَ شَيْئًا مِنْ حِرْزِهِ فَبَلَغَ قِيمَتُهُ مَا يَجِبُ فِيهِ الْقَطْعُ فَإِنَّ عَلَيْهِ الْقَطْعَ كَانَ صَاحِبُ الْمَتَاعِ عِنْدَ مَتَاعِهِ أَوْ لَمْ يَكُنْ لَيْلاً ذَلِكَ أَوْ نَهَارًا . قَالَ مَالِكٌ فِي الَّذِي يَسْرِقُ مَا يَجِبُ عَلَيْهِ فِيهِ الْقَطْعُ ثُمَّ يُوجَدُ مَعَهُ مَا سَرَقَ فَيُرَدُّ إِلَى صَاحِبِهِ إِنَّهُ تُقْطَعُ يَدُهُ . قَالَ مَالِكٌ فَإِنْ قَالَ قَائِلٌ كَيْفَ تُقْطَعُ يَدُهُ وَقَدْ أُخِذَ الْمَتَاعُ مِنْهُ وَدُفِعَ إِلَى صَاحِبِهِ فَإِنَّمَا هُوَ بِمَنْزِلَةِ الشَّارِبِ يُوجَدُ مِنْهُ رِيحُ الشَّرَابِ الْمُسْكِرِ وَلَيْسَ بِهِ سُكْرٌ فَيُجْلَدُ الْحَدَّ . قَالَ وَإِنَّمَا يُجْلَدُ الْحَدَّ فِي الْمُسْكِرِ إِذَا شَرِبَهُ وَإِنْ لَمْ يُسْكِرْهُ وَذَلِكَ أَنَّهُ إِنَّمَا شَرِبَهُ لِيُسْكِرَهُ فَكَذَلِكَ تُقْطَعُ يَدُ السَّارِقِ فِي السَّرِقَةِ الَّتِي أُخِذَتْ مِنْهُ وَلَوْ لَمْ يَنْتَفِعْ بِهَا وَرَجَعَتْ إِلَى صَاحِبِهَا وَإِنَّمَا سَرَقَهَا حِينَ سَرَقَهَا لِيَذْهَبَ بِهَا . قَالَ مَالِكٌ فِي الْقَوْمِ يَأْتُونَ إِلَى الْبَيْتِ فَيَسْرِقُونَ مِنْهُ جَمِيعًا فَيَخْرُجُونَ بِالْعِدْلِ يَحْمِلُونَهُ جَمِيعًا أَوِ الصُّنْدُوقِ أَوِ الْخَشَبَةِ أَوْ بِالْمِكْتَلِ أَوْ مَا أَشْبَهَ ذَلِكَ مِمَّا يَحْمِلُهُ الْقَوْمُ جَمِيعًا إِنَّهُمْ إِذَا أَخْرَجُوا ذَلِكَ مِنْ حِرْزِهِ وَهُمْ يَحْمِلُونَهُ جَمِيعًا فَبَلَغَ ثَمَنُ مَا خَرَجُوا بِهِ مِنْ ذَلِكَ مَا يَجِبُ فِيهِ الْقَطْعُ - وَذَلِكَ ثَلاَثَةُ دَرَاهِمَ فَصَاعِدًا - فَعَلَيْهِمُ الْقَطْعُ جَمِيعًا . قَالَ وَإِنْ خَرَجَ كُلُّ وَاحِدٍ مِنْهُمْ بِمَتَاعٍ عَلَى حِدَتِهِ فَمَنْ خَرَجَ مِنْهُمْ بِمَا تَبْلُغُ قِيمَتُهُ ثَلاَثَةَ دَرَاهِمَ فَصَاعِدًا فَعَلَيْهِ الْقَطْعُ وَمَنْ لَمْ يَخْرُجْ مِنْهُمْ بِمَا تَبْلُغُ قِيمَتُهُ ثَلاَثَةَ دَرَاهِمَ فَلاَ قَطْعَ عَلَيْهِ . قَالَ يَحْيَى قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّهُ إِذَا كَانَتْ دَارُ رَجُلٍ مُغْلَقَةً عَلَيْهِ لَيْسَ مَعَهُ فِيهَا غَيْرُهُ فَإِنَّهُ لاَ يَجِبُ عَلَى مَنْ سَرَقَ مِنْهَا شَيْئًا الْقَطْعُ حَتَّى يَخْرُجَ بِهِ مِنَ الدَّارِ كُلِّهَا وَذَلِكَ أَنَّ الدَّارَ كُلَّهَا هِيَ حِرْزُهُ فَإِنْ كَانَ مَعَهُ فِي الدَّارِ سَاكِنٌ غَيْرُهُ وَكَانَ كُلُّ إِنْسَانٍ مِنْهُمْ يُغْلِقُ عَلَيْهِ بَابَهُ وَكَانَتْ حِرْزًا لَهُمْ جَمِيعًا فَمَنْ سَرَقَ مِنْ بُيُوتِ تِلْكَ الدَّارِ شَيْئًا يَجِبُ فِيهِ الْقَطْعُ فَخَرَجَ بِهِ إِلَى الدَّارِ فَقَدْ أَخْرَجَهُ مِنْ حِرْزِهِ إِلَى غَيْرِ حِرْزِهِ وَوَجَبَ عَلَيْهِ فِيهِ الْقَطْعُ . قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا فِي الْعَبْدِ يَسْرِقُ مِنْ مَتَاعِ سَيِّدِهِ أَنَّهُ إِنْ كَانَ لَيْسَ مِنْ خَدَمِهِ وَلاَ مِمَّنْ يَأْمَنُ عَلَى بَيْتِهِ ثُمَّ دَخَلَ سِرًّا فَسَرَقَ مِنْ مَتَاعِ سَيِّدِهِ مَا يَجِبُ فِيهِ الْقَطْعُ فَلاَ قَطْعَ عَلَيْهِ وَكَذَلِكَ الأَمَةُ إِذَا سَرَقَتْ مِنْ مَتَاعِ سَيِّدِهَا لاَ قَطْعَ عَلَيْهَا . وَقَالَ فِي الْعَبْدِ لاَ يَكُونُ مِنْ خَدَمِهِ وَلاَ مِمَّنْ يَأْمَنُ عَلَى بَيْتِهِ فَدَخَلَ سِرًّا فَسَرَقَ مِنْ مَتَاعِ امْرَأَةِ سَيِّدِهِ مَا يَجِبُ فِيهِ الْقَطْعُ إِنَّهُ تُقْطَعُ يَدُهُ . قَالَ وَكَذَلِكَ أَمَةُ الْمَرْأَةِ إِذَا كَانَتْ لَيْسَتْ بِخَادِمٍ لَهَا وَلاَ لِزَوْجِهَا وَلاَ مِمَّنْ تَأْمَنُ عَلَى بَيْتِهَا فَدَخَلَتْ سِرًّا فَسَرَقَتْ مِنْ مَتَاعِ سَيِّدَتِهَا مَا يَجِبُ فِيهِ الْقَطْعُ فَلاَ قَطْعَ عَلَيْهَا . قَالَ مَالِكٌ وَكَذَلِكَ أَمَةُ الْمَرْأَةِ الَّتِي لاَ تَكُونُ مِنْ خَدَمِهَا وَلاَ مِمَّنْ تَأْمَنُ عَلَى بَيْتِهَا فَدَخَلَتْ سِرًّا فَسَرَقَتْ مِنْ مَتَاعِ زَوْجِ سَيِّدَتِهَا مَا يَجِبُ فِيهِ الْقَطْعُ

أَنَّهَا تُقْطَعُ يَدُهَا ‏.‏ قَالَ مَالِكٌ وَكَذَلِكَ الرَّجُلُ يَسْرِقُ مِنْ مَتَاعِ امْرَأَتِهِ أَوِ الْمَرْأَةُ تَسْرِقُ مِنْ مَتَاعِ زَوْجِهَا مَا يَجِبُ فِيهِ الْقَطْعُ إِنْ كَانَ الَّذِي سَرَقَ كُلُّ وَاحِدٍ مِنْهُمَا مِنْ مَتَاعِ صَاحِبِهِ فِي بَيْتٍ سِوَى الْبَيْتِ الَّذِي يُغْلِقَانِ عَلَيْهِمَا وَكَانَ فِي حِرْزٍ سِوَى الْبَيْتِ الَّذِي هُمَا فِيهِ فَإِنَّ مَنْ سَرَقَ مِنْهُمَا مِنْ مَتَاعِ صَاحِبِهِ مَا يَجِبُ فِيهِ الْقَطْعُ فَعَلَيْهِ الْقَطْعُ فِيهِ ‏.‏ قَالَ مَالِكٌ فِي الصَّبِيِّ الصَّغِيرِ وَالأَعْجَمِيِّ الَّذِي لاَ يُفْصِحُ أَنَّهُمَا إِذَا سُرِقَا مِنْ حِرْزِهِمَا أَوْ غَلْقِهِمَا فَعَلَى مَنْ سَرَقَهُمَا الْقَطْعُ وَإِنْ خَرَجَا مِنْ حِرْزِهِمَا وَغَلْقِهِمَا فَلَيْسَ عَلَى مَنْ سَرَقَهُمَا قَطْعٌ ‏.‏ قَالَ وَإِنَّمَا هُمَا بِمَنْزِلَةِ حَرِيسَةِ الْجَبَلِ وَالثَّمَرِ الْمُعَلَّقِ ‏.‏ قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا فِي الَّذِي يَنْبِشُ الْقُبُورَ أَنَّهُ إِذَا بَلَغَ مَا أَخْرَجَ مِنَ الْقَبْرِ مَا يَجِبُ فِيهِ الْقَطْعُ فَعَلَيْهِ فِيهِ الْقَطْعُ ‏.‏ وَقَالَ مَالِكٌ وَذَلِكَ أَنَّ الْقَبْرَ حِرْزٌ لِمَا فِيهِ كَمَا أَنَّ الْبُيُوتَ حِرْزٌ لِمَا فِيهَا ‏.‏ قَالَ وَلاَ يَجِبُ عَلَيْهِ الْقَطْعُ حَتَّى يَخْرُجَ بِهِ مِنَ الْقَبْرِ ‏.‏

USC-MSA web (English) reference : Book 41, Hadith 31
Arabic reference : Book 41, Hadith 1535

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Yahya ibn Habban that a slave stole a small palm from a man's garden and planted it in the garden of his master. The owner of the palm went out looking for the palm and found it. He asked for help against the slave from Marwan ibn al-Hakam. Marwan jailed the slave and wanted to cut off his hand. The master of the slave rushed off to Rafi ibn Khadij and asked him about it. Rafi informed him that he heard the Messenger of Allah, may Allah bless him and grant him peace, say, "The hand is not cut off for fruit or palm pith." The man said, "Marwan ibn al-Hakam has taken a slave of mine and wants to cut off his hand. I would like you to go with me to him so you can tell him what you heard from the Messenger of Allah, may Allah bless him and grant him peace." So, Rafi went with him to Marwan ibn al-Hakam. He said, "Did you arrest a slave for this?" He said, "Yes." He said, "What will you do with him?" He said, "I want to cut off his hand." Rafi said to him, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'The hand is not cut off for dates or palm pith.' Marwan therefore ordered the slave to be released."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، أَنَّ عَبْدًا، سَرَقَ وَدِيًّا مِنْ حَائِطِ رَجُلٍ فَغَرَسَهُ فِي حَائِطِ سَيِّدِهِ فَخَرَجَ صَاحِبُ الْوَدِيِّ يَلْتَمِسُ وَدِيَّهُ فَوَجَدَهُ فَاسْتَعْدَى عَلَى الْعَبْدِ مَرْوَانَ بْنَ الْحَكَمِ فَسَجَنَ مَرْوَانُ الْعَبْدَ وَأَرَادَ قَطْعَ يَدِهِ فَانْطَلَقَ سَيِّدُ الْعَبْدِ إِلَى رَافِعِ بْنِ خَدِيجٍ فَسَأَلَهُ عَنْ ذَلِكَ فَأَخْبَرَهُ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ ‏"‏ لاَ قَطْعَ فِي ثَمَرٍ وَلاَ كَثَرٍ ‏"‏ ‏.‏ وَالْكَثَرُ الْجُمَّارُ ‏.‏ فَقَالَ الرَّجُلُ فَإِنَّ مَرْوَانَ بْنَ الْحَكَمِ أَخَذَ غُلاَمًا لِي وَهُوَ يُرِيدُ قَطْعَهُ وَأَنَا أُحِبُّ أَنْ تَمْشِيَ مَعِيَ إِلَيْهِ فَتُخْبِرَهُ بِالَّذِي سَمِعْتَ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم ‏.‏ فَمَشَى مَعَهُ رَافِعٌ إِلَى مَرْوَانَ بْنِ الْحَكَمِ فَقَالَ أَخَذْتَ غُلاَمًا لِهَذَا فَقَالَ نَعَمْ ‏.‏ فَقَالَ فَمَا أَنْتَ صَانِعٌ بِهِ قَالَ أَرَدْتُ قَطْعَ يَدِهِ ‏.‏ فَقَالَ لَهُ رَافِعٌ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ ‏"‏ لاَ قَطْعَ فِي ثَمَرٍ وَلاَ كَثَرٍ ‏"‏ ‏.‏ فَأَمَرَ مَرْوَانُ بِالْعَبْدِ فَأُرْسِلَ ‏.‏

USC-MSA web (English) reference : Book 41, Hadith 32
Arabic reference : Book 41, Hadith 1536

Yahya related to me from Malik from Ibn Shihab from as-Sa'ib ibn Yazid that Abdullah ibn Amr ibn al-Hadrami brought a slave of his to Umar ibn al-Khattab and said to him, "Cut off the hand of this slave of mine. He has stolen." Umar said to him, "What did he steal?" He said, "He stole a mirror belonging to my wife. Its value was sixty dirhams." Umar said, "Let him go. His hand is not to be cut off. He is your servant who has stolen your belongings."

حَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ السَّائِبِ بْنِ يَزِيدَ، أَنَّ عَبْدَ اللَّهِ بْنَ عَمْرِو بْنِ الْحَضْرَمِيِّ، جَاءَ بِغُلاَمٍ لَهُ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ لَهُ اقْطَعْ يَدَ غُلاَمِي هَذَا فَإِنَّهُ سَرَقَ . فَقَالَ لَهُ عُمَرُ مَاذَا سَرَقَ فَقَالَ سَرَقَ مِرْآةً لاِمْرَأَتِي ثَمَنُهَا سِتُّونَ دِرْهَمًا . فَقَالَ عُمَرُ أَرْسِلْهُ فَلَيْسَ عَلَيْهِ قَطْعٌ خَادِمُكُمْ سَرَقَ مَتَاعَكُمْ .

USC-MSA web (English) reference : Book 41, Hadith 33
Arabic reference : Book 41, Hadith 1537

Yahya related to me from Malik from Ibn Shihab that Marwan ibn al-Hakam was brought a man who had snatched some goods and he wanted to cut off his hand. He sent to Zayd ibn Thabit to ask him about it. Zayd ibn Thabit said to him, "The hand is not cut off for what is stolen by chance, openly, in haste."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ مَرْوَانَ بْنَ الْحَكَمِ، أُتِيَ بِإِنْسَانٍ قَدِ اخْتَلَسَ مَتَاعًا فَأَرَادَ قَطْعَ يَدِهِ فَأَرْسَلَ إِلَى زَيْدِ بْنِ ثَابِتٍ يَسْأَلُهُ عَنْ ذَلِكَ فَقَالَ زَيْدُ بْنُ ثَابِتٍ لَيْسَ فِي الْخُلْسَةِ قَطْعٌ .

USC-MSA web (English) reference : Book 41, Hadith 34
Arabic reference : Book 41, Hadith 1538

Yahya related to me from Malik that Yahya ibn Said said that Abu Bakr ibn Muhammad ibn Amr ibn Hazm informed him that he had taken a Nabatean who had stolen some iron rings and jailed him in order to cut off his hand. Amra bint Abd ar-Rahman sent a girl mawla to him called Umayya. Abu Bakr said that she had come to him while he was among the people and said that his aunt Amra sent word to him saying, "Son of my brother! You have taken a Nabatean for something insignificant which was mentioned to me. Do you want to cut off his hand?" He had said, "Yes." She said, "Amra says to you not to cut off the hand except for a quarter of a dinar and upwards."

Abu Bakr added, "So I let the Nabatean go."
Malik said, "The generally agreed on way of doing things among us about the confession of slaves is that if a slave confesses something against himself, the hadd and punishment for it is inflicted on his body. His confession is accepted from him and one does not suspect that he would inflict something on himself."
Malik said, "As for the one of them who confesses to a matter which will incur damages agains this master, his confession is not accepted against his master."
Malik said, "One does not cut off the hand of a hireling or a man who is with some people to serve them, if he robs them, because his state is not the state of a thief. His state is the state of a treacherous one. The treacherous one does not have his hand cut off."
Malik said about a person who borrows something and then denies it, "His hand is not cut off. He is like a man who owes a debt to another man and denies it. He does not have his hand cut off for what he has denied."
Malik said, "The generally agreed-on way of dealing among us, with the thief who is found in a house and has gathered up goods and has not taken them out, is that his hand is not cut off. That is like the man who places wine before him to drink it and does not do it. The hadd is not imposed on him. That is like a man who sits with a woman and desires to have haram intercourse with her and does not do it and he does not reach her. There is no hadd against that either."
Malik said, "The generally agreed-on way of doing things among us is that there is no cutting off the hand for what is taken by chance, openly and in haste, whether or not its price reaches that for which the hand is cut off."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ أَخْبَرَنِي أَبُو بَكْرِ بْنُ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، أَنَّهُ أَخَذَ نَبَطِيًّا قَدْ سَرَقَ خَوَاتِمَ مِنْ حَدِيدٍ فَحَبَسَهُ لِيَقْطَعَ يَدَهُ فَأَرْسَلَتْ إِلَيْهِ عَمْرَةُ بِنْتُ عَبْدِ الرَّحْمَنِ مَوْلاَةً لَهَا يُقَالُ لَهَا أُمَيَّةُ قَالَ أَبُو بَكْرٍ فَجَاءَتْنِي وَأَنَا بَيْنَ

ظَهْرَانَىِ النَّاسِ فَقَالَتْ تَقُولُ لَكَ خَالَتُكَ عَمْرَةُ يَا ابْنَ أُخْتِي أَخَذْتَ نَبَطِيًّا فِي شَىْءٍ يَسِيرٍ ذُكِرَ لِي فَأَرَدْتَ قَطْعَ يَدِهِ قُلْتُ نَعَمْ . قَالَتْ فَإِنَّ عَمْرَةَ تَقُولُ لَكَ لاَ قَطْعَ إِلاَّ فِي رُبُعِ دِينَارٍ فَصَاعِدًا . قَالَ أَبُو بَكْرٍ فَأَرْسَلْتُ النَّبَطِيَّ . قَالَ مَالِكٌ وَالأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا فِي اعْتِرَافِ الْعَبِيدِ أَنَّهُ مَنِ اعْتَرَفَ مِنْهُمْ عَلَى نَفْسِهِ بِشَىْءٍ يَقَعُ الْحَدُّ وَالْعُقُوبَةُ فِيهِ فِي جَسَدِهِ . فَإِنَّ اعْتِرَافَهُ جَائِزٌ عَلَيْهِ وَلاَ يُتَّهَمُ أَنْ يُوقِعَ عَلَى نَفْسِهِ هَذَا . قَالَ مَالِكٌ وَأَمَّا مَنِ اعْتَرَفَ مِنْهُمْ بِأَمْرٍ يَكُونُ غُرْمًا عَلَى سَيِّدِهِ فَإِنَّ اعْتِرَافَهُ غَيْرُ جَائِزٍ عَلَى سَيِّدِهِ . قَالَ مَالِكٌ لَيْسَ عَلَى الأَجِيرِ وَلاَ عَلَى الرَّجُلِ يَكُونَانِ مَعَ الْقَوْمِ يَخْدُمَانِهِمْ إِنْ سَرَقَاهُمْ قَطْعٌ لأَنَّ حَالَهُمَا لَيْسَتْ بِحَالِ السَّارِقِ وَإِنَّمَا حَالُهُمَا حَالُ الْخَائِنِ وَلَيْسَ عَلَى الْخَائِنِ قَطْعٌ . قَالَ مَالِكٌ فِي الَّذِي يَسْتَعِيرُ الْعَارِيَةَ فَيَجْحَدُهَا إِنَّهُ لَيْسَ عَلَيْهِ قَطْعٌ وَإِنَّمَا مَثَلُ ذَلِكَ مَثَلُ رَجُلٍ كَانَ لَهُ عَلَى رَجُلٍ دَيْنٌ فَجَحَدَهُ ذَلِكَ فَلَيْسَ عَلَيْهِ فِيمَا جَحَدَهُ قَطْعٌ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا فِي السَّارِقِ يُوجَدُ فِي الْبَيْتِ قَدْ جَمَعَ الْمَتَاعَ وَلَمْ يَخْرُجْ بِهِ إِنَّهُ لَيْسَ عَلَيْهِ قَطْعٌ وَإِنَّمَا مَثَلُ ذَلِكَ كَمَثَلِ رَجُلٍ وَضَعَ بَيْنَ يَدَيْهِ خَمْرًا لِيَشْرَبَهَا فَلَمْ يَفْعَلْ فَلَيْسَ عَلَيْهِ حَدٌّ وَمِثْلُ ذَلِكَ رَجُلٌ جَلَسَ مِنِ امْرَأَةٍ مَجْلِسًا وَهُوَ يُرِيدُ أَنْ يُصِيبَهَا حَرَامًا فَلَمْ يَفْعَلْ وَلَمْ يَبْلُغْ ذَلِكَ مِنْهَا فَلَيْسَ عَلَيْهِ أَيْضًا فِي ذَلِكَ حَدٌّ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّهُ لَيْسَ فِي الْخُلْسَةِ قَطْعٌ بَلَغَ ثَمَنُهَا مَا يُقْطَعُ فِيهِ أَوْ لَمْ يَبْلُغْ .

USC-MSA web (English) reference : Book 41, Hadith 35
Arabic reference : Book 41, Hadith 1539

42 - Drinks كتاب الأشربة

باب الْحَدِّ فِي الْخَمْرِ

Arabic reference : Book 42, Hadith 1

Yahya related to me from Malik from Ibn Shihab that as-Sa'ib ibn Yazid informed him that Umar ibn al-Khattab came out to them. He said, "I have found the smell of wine on so-and-so, and he claimed that it was the drink of boiled fruit juice, and I am inquiring about what he has drunk. If it intoxicates, I will flog him." Umar then flogged him with the complete hadd.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنِ السَّائِبِ بْنِ يَزِيدَ، أَنَّهُ أَخْبَرَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ خَرَجَ عَلَيْهِمْ فَقَالَ إِنِّي وَجَدْتُ مِنْ فُلاَنٍ رِيحَ شَرَابٍ فَزَعَمَ أَنَّهُ شَرَابُ الطِّلاَءِ وَأَنَا سَائِلٌ عَمَّا شَرِبَ فَإِنْ كَانَ يُسْكِرُ جَلَدْتُهُ . فَجَلَدَهُ عُمَرُ الْحَدَّ تَامًّا .

USC-MSA web (English) reference : Book 42, Hadith 1
Arabic reference : Book 42, Hadith 1540

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili that Umar ibn al-Khattab asked advice about a man drinking wine. Ali ibn Abi Talib said to him, "We think that you flog him for it with eighty lashes. Because when he drinks, he becomes intoxicated, and when he becomes intoxicated, he talks confusedly, and when he talks confusedly, he lies." (80 lashes is the same amount as for slandering) Umar gave eighty lashes for drinking wine.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدِّيلِيِّ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، اسْتَشَارَ فِي الْخَمْرِ يَشْرَبُهَا الرَّجُلُ فَقَالَ لَهُ عَلِيُّ بْنُ أَبِي طَالِبٍ نَرَى أَنْ تَجْلِدَهُ ثَمَانِينَ فَإِنَّهُ إِذَا شَرِبَ سَكِرَ وَإِذَا سَكِرَ هَذَى وَإِذَا هَذَى افْتَرَى . أَوْ كَمَا قَالَ فَجَلَدَ عُمَرُ فِي الْخَمْرِ ثَمَانِينَ .

USC-MSA web (English) reference : Book 42, Hadith 2
Arabic reference : Book 42, Hadith 1541

Yahya related to me from Malik from Ibn Shihab that he was asked about the hadd of the slave for wine. He said, "I heard that he has half the hadd of a freeman for drinking wine. Umar ibn al-Khattab, Uthman ibn Affan, and Abdullah ibn Umar flogged their slaves with half of the hadd of a freeman when they drank wine."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ سُئِلَ عَنْ حَدِّ الْعَبْدِ، فِي الْخَمْرِ فَقَالَ بَلَغَنِي أَنَّ عَلَيْهِ نِصْفَ حَدِّ الْحُرِّ فِي الْخَمْرِ وَأَنَّ عُمَرَ بْنَ الْخَطَّابِ وَعُثْمَانَ بْنَ عَفَّانَ وَعَبْدَ اللَّهِ بْنَ عُمَرَ قَدْ جَلَدُوا عَبِيدَهُمْ نِصْفَ حَدِّ الْحُرِّ فِي الْخَمْرِ .

USC-MSA web (English) reference : Book 42, Hadith 3
Arabic reference : Book 42, Hadith 1542

Yahya related to me from Malik from Yahya ibn Said that he heard Said ibn al-Musayyab say, "There is nothing that Allah does not like to be pardoned as long as it is not a hadd."

Yahya said that Malik said, "The sunna with us is that the hadd is obliged against anyone who drinks something intoxicating whether or not he becomes drunk."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ مَا مِنْ شَىْءٍ إِلاَّ اللَّهُ يُحِبُّ أَنْ يُعْفَى عَنْهُ مَا لَمْ يَكُنْ حَدًّا . قَالَ يَحْيَى قَالَ مَالِكٌ وَالسُّنَّةُ عِنْدَنَا أَنَّ كُلَّ مَنْ شَرِبَ شَرَابًا مُسْكِرًا فَسَكِرَ أَوْ لَمْ يَسْكَرْ فَقَدْ وَجَبَ عَلَيْهِ الْحَدُّ .

USC-MSA web (English) reference : Book 42, Hadith 4
Arabic reference : Book 42, Hadith 1543

باب مَا يُنْهَى أَنْ يُنْبَذَ فِيهِ

Arabic reference : Book 42, Hadith 2

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, addressed the people in one of his raids. Abdullah ibn Umar said, "I went towards him, but he finished before I reached him. I asked about what he had said. Someone said to me, 'He forbade preparing nabidh in a gourd or in a jug smeared with pitch.'"

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم خَطَبَ النَّاسَ فِي بَعْضِ مَغَازِيهِ - قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ - فَأَقْبَلْتُ نَحْوَهُ فَانْصَرَفَ قَبْلَ أَنْ أَبْلُغَهُ فَسَأَلْتُ مَاذَا قَالَ فَقِيلَ لِي نَهَى أَنْ يُنْبَذَ فِي الدُّبَّاءِ وَالْمُزَفَّتِ .

USC-MSA web (English) reference : Book 42, Hadith 5
Arabic reference : Book 42, Hadith 1544

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman ibn Yaqub from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, forbade preparing nabidh in a gourd or in a jug smeared with pitch.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَعْقُوبَ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى أَنْ يُنْبَذَ فِي الدُّبَّاءِ وَالْمُزَفَّتِ .

USC-MSA web (English) reference : Book 42, Hadith 6
Arabic reference : Book 42, Hadith 1545

باب مَا يُكْرَهُ أَنْ يُنْبَذَ جَمِيعًا

Arabic reference : Book 42, Hadith 3

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, forbade preparing nabidh from nearly ripe dates and fresh dates together, and from dates and raisins together.

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ . أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى أَنْ يُنْبَذَ الْبُسْرُ وَالرُّطَبُ جَمِيعًا وَالتَّمْرُ وَالزَّبِيبُ جَمِيعًا .

USC-MSA web (English) reference : Book 42, Hadith 7
Arabic reference : Book 42, Hadith 1546

Yahya related to me from Malik from a reliable source from Bukayr ibn Abdullah ibn al-Ashajj from Abd ar-Rahman ibn al-Hubab al-Ansari from Abu Qatada al-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, forbade making nabidh from dates and raisins together, and nearly ripe dates and fresh dates together.

Malik said, "That is the way of doing things among us in which the people of knowledge in our city continue. It is disapproved of because the Messenger of Allah, may Allah bless him and grant him peace, forbade it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الثِّقَةِ، عِنْدَهُ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الأَشَجِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحُبَابِ الأَنْصَارِيِّ، عَنْ أَبِي قَتَادَةَ الأَنْصَارِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى أَنْ يُشْرَبَ التَّمْرُ وَالزَّبِيبُ جَمِيعًا وَالزَّهْوُ وَالرُّطَبُ جَمِيعًا ‏.‏

USC-MSA web (English) reference : Book 42, Hadith 8
Arabic reference : Book 42, Hadith 1547

باب تَحْرِيمِ الْخَمْرِ

Arabic reference : Book 42, Hadith 4

Yahya related to me from Malik from ibn Shihab from Abu Salama ibn Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, was asked about mead, and he replied, 'Every drink which intoxicates is haram.' "

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ سُئِلَ رَسُولُ اللَّهِ صلى الله عليه وسلم عَنِ الْبِتْعِ فَقَالَ ‏"‏ كُلُّ شَرَابٍ أَسْكَرَ فَهُوَ حَرَامٌ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 42, Hadith 9
Arabic reference : Book 42, Hadith 1548

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, was asked about al-Ghubayra. He said, "There is no good in it," and forbade it. Malik said, "I asked Zayd ibn Aslam, 'What is al- Ghubayra?' He said, 'It is an intoxicant.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سُئِلَ عَنِ الْغُبَيْرَاءِ فَقَالَ ‏"‏ لاَ خَيْرَ فِيهَا ‏"‏ ‏.‏ وَنَهَى عَنْهَا ‏.‏ قَالَ مَالِكٌ فَسَأَلْتُ زَيْدَ بْنَ أَسْلَمَ مَا الْغُبَيْرَاءُ فَقَالَ هِيَ الأُسْكَرْكَةُ ‏.‏

USC-MSA web (English) reference : Book 42, Hadith 10
Arabic reference : Book 42, Hadith 1549

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said "Whoever drinks wine in this world and does not turn from it in tawba, it is haram for him in the Next World."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ مَنْ شَرِبَ الْخَمْرَ فِي الدُّنْيَا ثُمَّ لَمْ يَتُبْ مِنْهَا حُرِمَهَا فِي الآخِرَةِ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 42, Hadith 11
Arabic reference : Book 42, Hadith 1550

باب جَامِعِ تَحْرِيمِ الْخَمْرِ

Arabic reference : Book 42, Hadith 5

Yahya related to me from Malik from Zayd ibn Aslam that Ibn Wala al-Misri asked Abdullah ibn Abbas about what is squeezed from the grapes. Ibn Abbas replied, "A man gave the Messenger of Allah, may Allah bless him and grant

him peace, a small water-skin of wine. The Messenger of Allah, may Allah bless him and grant him peace, said to him, 'Don't you know that Allah has made it haram?' He said, 'No.' Then a man at his side whispered to him. The Messenger of Allah, may Allah bless him and grant him peace, asked what he had whispered, and the man replied, 'I told him to sell it.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'The One who made drinking it haram has made selling it haram.' The man then opened the water- skins and poured out what was in them ."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنِ ابْنِ وَعْلَةَ الْمِصْرِيِّ، . أَنَّهُ سَأَلَ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ عَمَّا يُعْصَرُ مِنَ الْعِنَبِ فَقَالَ ابْنُ عَبَّاسٍ أَهْدَى رَجُلٌ لِرَسُولِ اللَّهِ صلى الله عليه وسلم رَاوِيَةَ خَمْرٍ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَمَا عَلِمْتَ أَنَّ اللَّهَ حَرَّمَهَا " . قَالَ لاَ . فَسَارَّهُ رَجُلٌ إِلَى جَنْبِهِ . فَقَالَ لَهُ صلى الله عليه وسلم " بِمَ سَارَرْتَهُ " . فَقَالَ أَمَرْتُهُ أَنْ يَبِيعَهَا . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّ الَّذِي حَرَّمَ شُرْبَهَا حَرَّمَ بَيْعَهَا " . فَفَتَحَ الرَّجُلُ الْمَزَادَتَيْنِ حَتَّى ذَهَبَ مَا فِيهِمَا .

USC-MSA web (English) reference : Book 42, Hadith 12
Arabic reference : Book 42, Hadith 1551

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik said, "I was serving wine to Abu Ubayda ibn al-Jarrah and Abu Talha al-Ansari and Umayy ibn Kab. The wine had been prepared from crushed ripe dates and dried dates. Someone came to them and said, 'Wine has been made haram.' Abu Talha ordered me to go and take the jugs and break them. I stood up and went to a mortar of ours and I struck them with the bottom of it until they broke."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ كُنْتُ أَسْقِي أَبَا عُبَيْدَةَ بْنَ الْجَرَّاحِ وَأَبَا طَلْحَةَ الأَنْصَارِيَّ وَأُبَىَّ بْنَ كَعْبٍ شَرَابًا مِنْ فَضِيخٍ وَتَمْرٍ - قَالَ - فَجَاءَهُمْ آتٍ فَقَالَ إِنَّ الْخَمْرَ قَدْ حُرِّمَتْ . فَقَالَ أَبُو طَلْحَةَ يَا أَنَسُ قُمْ إِلَى هَذِهِ الْجِرَارِ فَاكْسِرْهَا . قَالَ فَقُمْتُ إِلَى مِهْرَاسٍ لَنَا فَضَرَبْتُهَا بِأَسْفَلِهِ حَتَّى تَكَسَّرَتْ .

USC-MSA web (English) reference : Book 42, Hadith 13
Arabic reference : Book 42, Hadith 1552

Yahya related to me from Malik from Da'ud ibn al-Husayn that Waqid ibn Amr ibn Sad ibn Muadh informed him from Mahmud ibn Labid al- Ansari that when Umar ibn al-Khattab went to ash-Sham, the people of ash-Sham complained to him about the bad air of their land and its heaviness. They said, "Only this drink helps." Umar said, "Drink this honey preparation." They said, "Honey does not help us." A man from the people of that land said, "Can we give you something of this drink which does not intoxicate?" He said, "Yes." They cooked it until two- thirds of it evaporated and one-third of it remained. Then they brought it to Umar. Umar put his finger in it and then lifted his head and extended it. He said, "This is fruit juice concentrated by boiling. This is like the distillation with which you smear the camel's scabs." Umar ordered them to drink it. Ubada ibn as-Samit said to him, "You have made it halal, by Allah!" Umar said, "No, by Allah! O Allah! I will not make anything halal for them which You have made haram for them! I will not make anything haram for them which You have made halal for them."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنْ وَاقِدِ بْنِ عَمْرِو بْنِ سَعْدِ بْنِ مُعَاذٍ، أَنَّهُ أَخْبَرَهُ عَنْ مَحْمُودِ بْنِ لَبِيدٍ الأَنْصَارِيِّ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، حِينَ قَدِمَ الشَّامَ شَكَا إِلَيْهِ أَهْلُ الشَّامِ وَبَاءَ الأَرْضِ وَثِقَلَهَا وَقَالُوا لاَ يُصْلِحُنَا إِلاَّ هَذَا الشَّرَابُ . فَقَالَ عُمَرُ اشْرَبُوا هَذَا الْعَسَلَ . قَالُوا لاَ يُصْلِحُنَا الْعَسَلُ . فَقَالَ رَجُلٌ مِنْ أَهْلِ الأَرْضِ هَلْ لَكَ أَنْ نَجْعَلَ لَكَ مِنْ هَذَا الشَّرَابِ شَيْئًا لاَ يُسْكِرُ

قَالَ نَعَمْ . فَطَبَخُوهُ حَتَّى ذَهَبَ مِنْهُ الثُّلُثَانِ وَبَقِيَ الثُّلُثُ فَأَتَوْا بِهِ عُمَرَ فَأَدْخَلَ فِيهِ عُمَرُ إِصْبَعَهُ ثُمَّ رَفَعَ يَدَهُ فَتَبِعَهَا يَتَمَطَّطُ فَقَالَ هَذَا الطِّلاَءُ هَذَا مِثْلُ طِلاَءِ الإِبِلِ . فَأَمَرَهُمْ عُمَرُ أَنْ يَشْرَبُوهُ فَقَالَ لَهُ عُبَادَةُ بْنُ الصَّامِتِ أَحْلَلْتَهَا وَاللَّهِ . فَقَالَ عُمَرُ كَلاَّ وَاللَّهِ اللَّهُمَّ إِنِّي لاَ أُحِلُّ لَهُمْ شَيْئًا حَرَّمْتَهُ عَلَيْهِمْ وَلاَ أُحَرِّمُ عَلَيْهِمْ شَيْئًا أَحْلَلْتَهُ لَهُمْ .

USC-MSA web (English) reference : Book 42, Hadith 14
Arabic reference : Book 42, Hadith 1553

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that some men from Iraq said to him, "Abu Abd ar-Rahman, we buy the fruit of the palm and grapes and we squeeze them into wine and we sell it." Abdullah ibn Umar said, "I call on Allah and His angels and whoever hears of jinn and men to testify to you that I order you not to buy it nor sell it nor to press it nor to drink it nor to give it to people to drink. It is something impure from the work of Shaytan."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رِجَالاً، مِنْ أَهْلِ الْعِرَاقِ قَالُوا لَهُ يَا أَبَا عَبْدِ الرَّحْمَنِ إِنَّا نَبْتَاعُ مِنْ ثَمَرِ النَّخْلِ وَالْعِنَبِ فَنَعْصِرُهُ خَمْرًا فَنَبِيعُهَا . فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ إِنِّي أُشْهِدُ اللَّهَ عَلَيْكُمْ وَمَلاَئِكَتَهُ وَمَنْ سَمِعَ مِنَ الْجِنِّ وَالإِنْسِ أَنِّي لاَ آمُرُكُمْ أَنْ تَبِيعُوهَا وَلاَ تَبْتَاعُوهَا وَلاَ تَعْصِرُوهَا وَلاَ تَشْرَبُوهَا وَلاَ تَسْقُوهَا فَإِنَّهَا رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ .

USC-MSA web (English) reference : Book 42, Hadith 15
Arabic reference : Book 42, Hadith 1554

43 - Blood-Money كتاب العقول

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from his father that in a letter which the Messenger of Allah, may Allah bless him and grant him peace, sent to Amr ibn Hazm about blood-money he wrote that it was one hundred camels for a life, one hundred camels for a nose if completely removed, a third of the blood-money for a wound in the brain, the same as that for a belly wound, fifty for an eye, fifty for a hand, fifty for a foot, ten camels for each finger, and five for teeth, and five for a head wound which laid bare the bone.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ أَبِيهِ، أَنَّ فِي الْكِتَابِ الَّذِي، كَتَبَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم لِعَمْرِو بْنِ حَزْمٍ فِي الْعُقُولِ أَنَّ فِي النَّفْسِ مِائَةً مِنَ الإِبِلِ وَفِي الأَنْفِ إِذَا أُوعِيَ جَدْعًا مِائَةٌ مِنَ الإِبِلِ وَفِي الْمَأْمُومَةِ ثُلُثُ الدِّيَةِ وَفِي الْجَائِفَةِ مِثْلُهَا وَفِي الْعَيْنِ خَمْسُونَ وَفِي الْيَدِ خَمْسُونَ وَفِي الرِّجْلِ خَمْسُونَ وَفِي كُلِّ أُصْبُعٍ مِمَّا هُنَالِكَ عَشْرٌ مِنَ الإِبِلِ وَفِي السِّنِّ خَمْسٌ وَفِي الْمُوضِحَةِ خَمْسٌ .

USC-MSA web (English) reference : Book 43, Hadith 1
Arabic reference : Book 43, Hadith 1555

Malik related to me that he had heard that Umar ibn al-Khattab estimated the full blood-money for the people of urban areas. For those who had gold, he made it one thousand dinars. and for those who had silver he made it ten thousand dirhams.

Malik said, "The people of gold are the people of ash-Sham and the people of Egypt. The people of silver are the people of Iraq "
Yahya related to me from Malik that he heard that the blood-money was divided into instalments over three or four years.
Malik said, "Three is the most preferable to me of what I have heard on that."
Malik said, "The generally agreed on way of doing things in our community is that camels are not accepted from the people of cities for blood-money nor is gold or silver accepted from the desert people. Silver is not accepted from the people of gold and gold is not accepted from the people of silver."

حَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَوَّمَ الدِّيَةَ عَلَى أَهْلِ الْقُرَى فَجَعَلَهَا عَلَى أَهْلِ الذَّهَبِ أَلْفَ دِينَارٍ وَعَلَى أَهْلِ الْوَرِقِ اثْنَىْ عَشَرَ أَلْفَ دِرْهَمٍ . قَالَ مَالِكٌ فَأَهْلُ الذَّهَبِ أَهْلُ الشَّامِ وَأَهْلُ مِصْرَ وَأَهْلُ الْوَرِقِ أَهْلُ الْعِرَاقِ . وَحَدَّثَنِي يَحْيَى عَنْ مَالِكٍ أَنَّهُ سَمِعَ أَنَّ الدِّيَةَ تُقْطَعُ فِي ثَلاَثِ سِنِينَ أَوْ أَرْبَعِ سِنِينَ . قَالَ مَالِكٌ وَالثَّلاَثُ أَحَبُّ مَا سَمِعْتُ إِلَىَّ فِي ذَلِكَ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّهُ لاَ يُقْبَلُ مِنْ أَهْلِ الْقُرَى فِي الدِّيَةِ الإِبِلُ وَلاَ مِنْ أَهْلِ الْعَمُودِ الذَّهَبُ وَلاَ الْوَرِقُ وَلاَ مِنْ أَهْلِ الذَّهَبِ الْوَرِقُ وَلاَ مِنْ أَهْلِ الْوَرِقِ الذَّهَبُ .

USC-MSA web (English) reference : Book 43, Hadith 2
Arabic reference : Book 43, Hadith 1556

Yahya related to me from Malik that Ibn Shihab said, "The full blood-money for murder when it is accepted is twenty-five yearlings, twenty-five two-year-olds, twenty-five four-year-olds, and twenty-five five-year-olds."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّ ابْنَ شِهَابٍ، كَانَ يَقُولُ فِي دِيَةِ الْعَمْدِ إِذَا قُبِلَتْ خَمْسٌ وَعِشْرُونَ بِنْتَ مَخَاضٍ وَخَمْسٌ وَعِشْرُونَ بِنْتَ لَبُونٍ وَخَمْسٌ وَعِشْرُونَ حِقَّةً وَخَمْسٌ وَعِشْرُونَ جَذَعَةً ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 2
Arabic reference : Book 43, Hadith 1557

Yahya related to me from Malik from Yahya ibn Said that Marwan ibn al-Hakam wrote to Muawiya ibn Abi Sufyan that a madman was brought to him who had killed a man. Muawiya wrote to him, "Tie him up and do not inflict any retaliation on him. There is no retaliation against a madman."

Malik said about an adult and a child when they murder a man together, "The adult is killed and the child pays half the full blood-money."
Malik said, "It is like that with a freeman and a slave when they murder a slave. The slave is killed and the freeman pays half of his value."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ مَرْوَانَ بْنَ الْحَكَمِ، كَتَبَ إِلَى مُعَاوِيَةَ بْنِ أَبِي سُفْيَانَ أَنَّهُ أُتِيَ بِمَجْنُونٍ قَتَلَ رَجُلاً ‏.‏ فَكَتَبَ إِلَيْهِ مُعَاوِيَةُ أَنِ اعْقِلْهُ وَلاَ تُقِدْ مِنْهُ فَإِنَّهُ لَيْسَ عَلَى مَجْنُونٍ قَوَدٌ ‏.‏ قَالَ مَالِكٌ فِي الْكَبِيرِ وَالصَّغِيرِ إِذَا قَتَلاَ رَجُلاً جَمِيعًا عَمْدًا أَنَّ عَلَى الْكَبِيرِ أَنْ يُقْتَلَ وَعَلَى الصَّغِيرِ نِصْفُ الدِّيَةِ ‏.‏ قَالَ مَالِكٌ وَكَذَلِكَ الْحُرُّ وَالْعَبْدُ يَقْتُلاَنِ الْعَبْدَ فَيُقْتَلُ الْعَبْدُ وَيَكُونُ عَلَى الْحُرِّ نِصْفُ قِيمَتِهِ ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 3
Arabic reference : Book 43, Hadith 1558

Yahya related to me from Malik from Ibn Shihab from Irak ibn Malik and Sulayman ibn Yasar that a man of the Banu Sad ibn Layth was running a horse and it trod on the finger of a man from the Juhayna tribe. It bled profusely, and he died. Umar ibn al-Khattab said to those against whom the claim was made. "Do you swear by Allah with fifty oaths that he did not die of it?" They refused and stopped themselves from doing it. He said to the others, "Will you take an oath?" They refused, so Umar ibn al-Khattab gave a judgement that the Banu Sad had to pay half the full blood-money.

Malik said, "One does not act on this."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عِرَاكِ بْنِ مَالِكٍ، وَسُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ رَجُلاً، مِنْ بَنِي سَعْدِ بْنِ لَيْثٍ أَجْرَى فَرَسًا فَوَطِئَ عَلَى إِصْبَعِ رَجُلٍ مِنْ جُهَيْنَةَ فَنُزِيَ مِنْهَا فَمَاتَ ‏.‏ فَقَالَ عُمَرُ بْنُ الْخَطَّابِ لِلَّذِي ادُّعِيَ عَلَيْهِمْ أَتَحْلِفُونَ بِاللَّهِ خَمْسِينَ يَمِينًا مَا مَاتَ مِنْهَا فَأَبَوْا وَتَحَرَّجُوا وَقَالَ لِلآخَرِينَ أَتَحْلِفُونَ أَنْتُمْ فَأَبَوْا فَقَضَى عُمَرُ بْنُ الْخَطَّابِ بِشَطْرِ الدِّيَةِ عَلَى السَّعْدِيِّينَ ‏.‏ قَالَ مَالِكٌ وَلَيْسَ الْعَمَلُ عَلَى هَذَا ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 4
Arabic reference : Book 43, Hadith 1559

Yahya related to me from Malik that Ibn Shihab, Sulayman ibn Yasar, and Rabia ibn Abi Abd ar-Rahman said, "The blood-money of manslaughter is twenty yearlings, twenty two-year-olds, twenty male two-year-olds, twenty four-year-olds, and twenty five-year-olds."

Malik said, "The generally agreed on way with us is that there is no retaliation against children. Their intention is accidental. The hudud are not obliged for them if they have not yet reached puberty. If a child kills someone it is only accidentally. Had a child and an adult killed a free man accidentally, each of them pays half the full blood-money."
Malik said, "A person who kills someone accidentally pays blood-money with his property and there is no retaliation against him. That money is like anything else from the dead man's property and his debt is paid with it and he is allowed to make a bequest from it. If he has a total property of which the blood-money is a third and then the blood-money is relinquished, that is permitted to him. If all the property he has is his blood-money, he is permitted to relinquish a third of it and to make that a bequest."
وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّ ابْنَ شِهَابٍ، وَسُلَيْمَانَ بْنَ يَسَارٍ، وَرَبِيعَةَ بْنَ أَبِي عَبْدِ الرَّحْمَنِ، كَانُوا يَقُولُونَ دِيَةُ الْخَطَإِ عِشْرُونَ بِنْتَ مَخَاضٍ وَعِشْرُونَ بِنْتَ لَبُونٍ وَعِشْرُونَ ابْنَ لَبُونٍ ذَكَرًا وَعِشْرُونَ حِقَّةً وَعِشْرُونَ جَذَعَةً . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّهُ لاَ قَوَدَ بَيْنَ الصِّبْيَانِ وَإِنَّ عَمْدَهُمْ خَطَأٌ مَا لَمْ تَجِبْ عَلَيْهِمُ الْحُدُودُ وَيَبْلُغُوا الْحُلُمَ وَإِنَّ قَتْلَ الصَّبِيِّ لاَ يَكُونُ إِلاَّ خَطَأً وَذَلِكَ لَوْ أَنَّ صَبِيًّا وَكَبِيرًا قَتَلاَ رَجُلاً حُرًّا خَطَأً كَانَ عَلَى عَاقِلَةِ كُلِّ وَاحِدٍ مِنْهُمَا نِصْفُ الدِّيَةِ . قَالَ مَالِكٌ وَمَنْ قَتَلَ خَطَأً فَإِنَّمَا عَقْلُهُ مَالٌ لاَ قَوَدَ فِيهِ وَإِنَّمَا هُوَ كَغَيْرِهِ مِنْ مَالِهِ يُقْضَى بِهِ دَيْنُهُ وَيُجَوَّزُ فِيهِ وَصِيَّتُهُ فَإِنْ كَانَ لَهُ مَالٌ تَكُونُ الدِّيَةُ قَدْرَ ثُلُثِهِ ثُمَّ عُفِيَ عَنْ دِيَتِهِ فَذَلِكَ جَائِزٌ لَهُ وَإِنْ لَمْ يَكُنْ لَهُ مَالٌ غَيْرُ دِيَتِهِ جَازَ لَهُ مِنْ ذَلِكَ الثُّلُثُ إِذَا عُفِيَ عَنْهُ وَأَوْصَى بِهِ .

USC-MSA web (English) reference : Book 43, Hadith 4
Arabic reference : Book 43, Hadith 1560

Malik related to me that the generally agreed on way of doing things amongst the community about an accident is that there is no blood-money until the victim is better. If a man's bone, either a hand, or a foot, or another part of his body, is broken accidentally and it heals and becomes sound and returns to its form, there is no blood-money for it. If the limb is impaired or there is a scar on it, there is blood-money for it according to the extent that it is impaired.

Malik said, "If that part of the body has a specific blood-money mentioned by the Prophet, may Allah bless him and grant him peace, it is according to what the Prophet, may Allah bless him and grant him peace, specified. If it is part of what does not have a specific blood-money for it mentioned by the Prophet, may Allah bless him and grant him peace, and if there is no previous sunna about it or specific blood-money, one uses ijtihad about it."
Malik said, "There is no blood-money for an accidental bodily injury when the wound heals and returns to its form. If there is any scar or mark in that, ijtihad is used about it except for the belly-wound. There is a third of the blood-money of a life for it. "
Malik said, "There is no blood-money for the wound which splinters a bone in the body, and it is like the wound to the body which lays bare the bone."
Malik said, "The generally agreed on way of doing things in our community is that when the doctor performs a circumcision and cuts off the glans, he must pay the full blood-money. That is because it is an accident which the tribe is responsible for, and the full blood money is payable for all that in which a doctor errs or exceeds, when it is not intentional."

USC-MSA web (English) reference : Book 43, Hadith 4

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "The blood-money for a woman is the same as for a man up to one third of the blood-money. Her finger is like his finger, her tooth is like his tooth, her injury which lays bare the bone is like his, and her head wound which splinters the bone is like his."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ تُعَاقِلُ الْمَرْأَةُ الرَّجُلَ إِلَى ثُلُثِ الدِّيَةِ إِصْبَعُهَا كَإِصْبَعِهِ وَسِنُّهَا كَسِنِّهِ وَمُوضِحَتُهَا كَمُوضِحَتِهِ وَمُنَقِّلَتُهَا كَمُنَقِّلَتِهِ ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 4
Arabic reference : Book 43, Hadith 1561

Yahya related to me from Malik that Ibn Shihab and also Urwa ibn az-Zubayr said the same as Said ibn al-Musayyab said about a woman. Her blood-money from a man is the same up to a third of the blood-money of a man. If what she is owed exceeds a third of the blood-money of the man, she is given up to half of the blood-money of a man.

Malik said, "The explanation of that is that she has blood-money for a head wound that lays bare the bone and one that splinters the bone and for what is less than the brain wound and the belly wound and the like of that of those which obliges a third of the blood-money or more. If the amount owed her exceeds that, her blood- money in that is half of the blood-money of a man."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، وَبَلَغَهُ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، أَنَّهُمَا كَانَا يَقُولاَنِ مِثْلَ قَوْلِ سَعِيدِ بْنِ الْمُسَيَّبِ فِي الْمَرْأَةِ أَنَّهَا تُعَاقِلُ الرَّجُلَ إِلَى ثُلُثِ دِيَةِ الرَّجُلِ فَإِذَا بَلَغَتْ ثُلُثَ دِيَةِ الرَّجُلِ كَانَتْ إِلَى النِّصْفِ مِنْ دِيَةِ الرَّجُلِ ‏.‏ قَالَ مَالِكٌ وَتَفْسِيرُ ذَلِكَ أَنَّهَا تُعَاقِلُهُ فِي الْمُوضِحَةِ وَالْمُنَقِّلَةِ وَمَا دُونَ الْمَأْمُومَةِ وَالْجَائِفَةِ وَأَشْبَاهِهِمَا مِمَّا يَكُونُ فِيهِ ثُلُثُ الدِّيَةِ فَصَاعِدًا فَإِذَا بَلَغَتْ ذَلِكَ كَانَ عَقْلُهَا فِي ذَلِكَ النِّصْفَ مِنْ عَقْلِ الرَّجُلِ ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 4
Arabic reference : Book 43, Hadith 1562

Yahya related to me from Malik that he heard Ibn Shihab say, "The precedent of the sunna when a man injures a woman is that he must pay the blood- money for that injury and there is no retaliation against him."

Malik said, "That is an accidental injury, when a man strikes a woman and hits with a blow what he did not intend, for instance, if he struck her with a whip and cut her eye open and the like of that."
Malik said about a woman who has a husband and children who are not from her paternal relatives or her people, that since he is from another tribe, there is no blood-money against her husband for her criminal action, nor any against her children if they are not from her people, nor any against her maternal brothers when they are not from her paternal relations or her people. These are entitled to her inheritance but only the paternal relations have paid blood-money from since the time of the Messenger of Allah, may Allah bless him and grant him peace. Until today it is like that with the mawla of a woman. The inheritance they leave goes to the children of the woman even if they are not from her tribe, but the blood-money of the criminal act of the mawla is only against her tribe."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ سَمِعَ ابْنَ شِهَابٍ، يَقُولُ مَضَتِ السُّنَّةُ أَنَّ الرَّجُلَ، إِذَا أَصَابَ امْرَأَتَهُ بِجُرْحٍ أَنَّ عَلَيْهِ عَقْلَ ذَلِكَ الْجُرْحِ وَلاَ يُقَادُ مِنْهُ ‏.‏ قَالَ مَالِكٌ وَإِنَّمَا ذَلِكَ فِي الْخَطَإِ أَنْ يَضْرِبَ الرَّجُلُ امْرَأَتَهُ فَيُصِيبَهَا مِنْ ضَرْبِهِ مَا لَمْ يَتَعَمَّدْ كَمَا يَضْرِبُهَا بِسَوْطٍ فَيَفْقَأُ عَيْنَهَا وَنَحْوَ ذَلِكَ ‏.‏ قَالَ مَالِكٌ فِي الْمَرْأَةِ يَكُونُ لَهَا زَوْجٌ وَوَلَدٌ مِنْ غَيْرِ عَصَبَتِهَا وَلاَ قَوْمِهَا فَلَيْسَ عَلَى زَوْجِهَا إِذَا كَانَ مِنْ قَبِيلَةٍ أُخْرَى مِنْ عَقْلِ جِنَايَتِهَا شَىْءٌ وَلاَ عَلَى وَلَدِهَا إِذَا كَانُوا مِنْ غَيْرِ قَوْمِهَا وَلاَ عَلَى إِخْوَتِهَا مِنْ أُمِّهَا إِذَا كَانُوا مِنْ غَيْرِ عَصَبَتِهَا وَلاَ قَوْمِهَا فَهَؤُلاَءِ أَحَقُّ بِمِيرَاثِهَا وَالْعَصَبَةُ عَلَيْهِمُ الْعَقْلُ مُنْذُ زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم إِلَى الْيَوْمِ وَكَذَلِكَ مَوَالِي الْمَرْأَةِ مِيرَاثُهُمْ لِوَلَدِ الْمَرْأَةِ وَإِنْ كَانُوا مِنْ غَيْرِ قَبِيلَتِهَا وَعَقْلُ جِنَايَةِ الْمَوَالِي عَلَى قَبِيلَتِهَا ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 4
Arabic reference : Book 43, Hadith 1563

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abd ar-Rahman ibn Awf from Abu Hurayra that a woman from the Hudhayl tribe threw a stone at a woman from the same tribe, and she had a miscarriage. The Messenger of Allah, may Allah bless him and grant him peace, gave a judgement that a slave or slave-girl of fair complexion and excellence should be given to her.

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ امْرَأَتَيْنِ، مِنْ هُذَيْلٍ رَمَتْ إِحْدَاهُمَا الأُخْرَى فَطَرَحَتْ جَنِينَهَا فَقَضَى فِيهِ رَسُولُ اللَّهِ صلى الله عليه وسلم بِغُرَّةٍ عَبْدٍ أَوْ وَلِيدَةٍ ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 5
Arabic reference : Book 43, Hadith 1564

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, gave a judgement that the compensation for a foetus killed in its mother's womb was a slave or slave-girl of fair complexion and excellence. The one against whom the judgement was given said, "Why should I pay damages for that which did not drink or eat or speak or make any cry. The like of that is nothing." The Messenger of Allah, may Allah bless him and grant him peace, said, "This is only one of the brothers of the diviners." He disapproved of the rhyming speech of the man's declaration.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَضَى فِي الْجَنِينِ يُقْتَلُ فِي بَطْنِ أُمِّهِ بِغُرَّةٍ عَبْدٍ أَوْ وَلِيدَةٍ فَقَالَ الَّذِي قُضِيَ عَلَيْهِ كَيْفَ أَغْرَمُ مَا لاَ شَرِبَ وَلاَ أَكَلْ وَلاَ نَطَقَ وَلاَ اسْتَهَلّ وَمِثْلُ ذَلِكَ بَطَلْ ‏.‏ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ إِنَّمَا هَذَا مِنْ إِخْوَانِ الْكُهَّانِ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1565

Yahya related to me from Malik that Rabia ibn Abi Abd ar-Rahman said, "The slave of fair complexion and excellence is estimated at fifty dinars or six hundred dirhams. The blood-money of a free muslim woman is five hundred dinars or six thousand dirhams."

Malik said, "The blood-money of the foetus of a free woman is a tenth of her blood-money. The tenth is fifty dinars or six hundred dirhams."
Malik said, "I have not heard anyone dispute that there is no slave in compensation for the foetus until it leaves its mother's womb and falls still-born from her womb . "
Malik said, "I heard that if the foetus comes out of its mother's womb alive and then dies, the full blood-money is due for it."
Malik said, "The foetus is not alive unless it cries at birth. If it comes out of its mother's womb and cries out and then dies, the complete blood-money is due for it. We think that the slave- girl's foetus has a tenth of the price of the slave-girl."
Malik said, "When a woman murders a man or woman, and the murderess is pregnant, retaliation is not taken against her until she has given birth. If a woman who is pregnant is killed intentionally or unintentionally, the one who killed her is not obliged to pay anything for her foetus. If she is murdered, then the one who killed her is killed and there is no blood-money for her foetus. If she is killed accidentally, the tribe obliged to pay on behalf of her killer pays her blood-money, and there is no blood-money for the foetus."

Yahya related to me, "Malik was asked about the foetus of the christian or jewish woman which was aborted. He said, 'I think that there is a tenth of the blood-money of the mother for it.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّهُ كَانَ يَقُولُ الْغُرَّةُ تُقَوَّمُ خَمْسِينَ دِينَارًا أَوْ سِتَّمِائَةِ دِرْهَمٍ وَدِيَةُ الْمَرْأَةِ الْحُرَّةِ الْمُسْلِمَةِ خَمْسُمِائَةِ دِينَارٍ أَوْ سِتَّةُ آلاَفِ دِرْهَمٍ . قَالَ مَالِكٌ فَدِيَةُ جَنِينِ الْحُرَّةِ عُشْرُ دِيَتِهَا وَالْعُشْرُ خَمْسُونَ دِينَارًا أَوْ سِتُّمِائَةِ دِرْهَمٍ . قَالَ مَالِكٌ وَلَمْ أَسْمَعْ أَحَدًا يُخَالِفُ فِي أَنَّ الْجَنِينَ لاَ تَكُونُ فِيهِ الْغُرَّةُ حَتَّى يُزَايِلَ بَطْنَ

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1566

Yahya related to me from Malik from Ibn Shihab that Said ibn al- Musayyab used to say, "The full blood-money is payable for cutting off both lips, but when the lower one only is cut off, two-thirds of the blood-money is due for it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ فِي الشَّفَتَيْنِ الدِّيَةُ كَامِلَةً فَإِذَا قُطِعَتِ السُّفْلَى فَفِيهَا ثُلُثَا الدِّيَةِ .

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1567

Yahya related to me from Malik that he asked Ibn Shihab about the one-eyed man who gouged out the eye of a healthy person. Ibn Shihab said, "If the healthy person wants to take retaliation from him, he can have his retaliation. If he prefers, he has blood-money of one thousand dinars, twelve thousand dirhams."

Yahya related to me from Malik that he heard that full blood- money was payable for both of a pair of anything in a man that occurred in pairs, and the tongue had full blood-money. The ears, when their hearing departed, had full blood-money, whether or not they were cut off, and a man's penis had full blood-money and the testicles had full blood-money.
Yahya related to me from Malik that he heard that the breasts of a woman had full blood-money.
Malik said, "The least of that are the eyebrows and a man's breasts."
Malik said, "What is done in our community when a man is injured in his extremities to an extent that obliges payment of more than the amount of his full blood-money, is that it is his right. If his hands, feet, and eyes are all injured, he has three full blood-moneys."
Malik said about the sound eye of a one-eyed man when it is accidentally gouged out, "The full blood-money is payable for it."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ الرَّجُلِ الأَعْوَرِ، يَفْقَأُ عَيْنَ الصَّحِيحِ فَقَالَ ابْنُ شِهَابٍ إِنْ أَحَبَّ الصَّحِيحُ أَنْ يَسْتَقِيدَ، مِنْهُ فَلَهُ الْقَوَدُ وَإِنْ أَحَبَّ فَلَهُ الدِّيَةُ أَلْفُ دِينَارٍ أَوِ اثْنَا عَشَرَ أَلْفَ دِرْهَمٍ . وَحَدَّثَنِي يَحْيَى عَنْ مَالِكٍ أَنَّهُ بَلَغَهُ أَنَّ فِي كُلِّ زَوْجٍ مِنَ الإِنْسَانِ الدِّيَةَ كَامِلَةً وَأَنَّ فِي اللِّسَانِ الدِّيَةَ كَامِلَةً وَأَنَّ فِي الأُذُنَيْنِ إِذَا ذَهَبَ سَمْعُهُمَا الدِّيَةَ كَامِلَةً اصْطُلِمَتَا أَوْ لَمْ تُصْطَلَمَا وَفِي ذَكَرِ الرَّجُلِ الدِّيَةُ كَامِلَةً وَفِي الأُنْثَيَيْنِ الدِّيَةُ كَامِلَةً . وَحَدَّثَنِي يَحْيَى عَنْ مَالِكٍ أَنَّهُ بَلَغَهُ أَنَّ فِي ثَدْيَىِ الْمَرْأَةِ الدِّيَةَ كَامِلَةً . قَالَ مَالِكٌ وَأَخَفُّ ذَلِكَ عِنْدِي الْحَاجِبَانِ وَثَدْيَا الرَّجُلِ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّ الرَّجُلَ إِذَا أُصِيبَ مِنْ أَطْرَافِهِ أَكْثَرُ مِنْ دِيَتِهِ فَذَلِكَ لَهُ إِذَا أُصِيبَتْ يَدَاهُ وَرِجْلاَهُ وَعَيْنَاهُ فَلَهُ ثَلاَثُ دِيَاتٍ . قَالَ مَالِكٌ فِي عَيْنِ الأَعْوَرِ الصَّحِيحَةِ إِذَا فُقِئَتْ خَطَأً إِنَّ فِيهَا الدِّيَةَ كَامِلَةً .

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1568

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Zayd ibn Thabit used to say, "When the eye remains but the sight is lost, one hundred dinars are payable for it."

Yahya said, "Malik was asked about cutting off the lower lid of the eye and the bone around the eye. He said, 'There is only ijtihad in that unless the vision of the eye is impaired. He is entitled to an amount that is compatible to the extent the vision of the eye has been impaired."
Yahya said that Malik said, "What is done in our community about removing the bad eye of a one-eyed man when it has already been blinded and still remains there in its place and the paralyzed hand when it is cut off, is that there is only ijtihad in that, and there is no prescribed blood-money."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ زَيْدَ بْنَ ثَابِتٍ، كَانَ يَقُولُ فِي الْعَيْنِ الْقَائِمَةِ إِذَا طَفِئَتْ مِائَةُ دِينَارٍ . قَالَ يَحْيَى وَسُئِلَ مَالِكٌ عَنْ شَتَرِ الْعَيْنِ وَحِجَاجِ الْعَيْنِ فَقَالَ لَيْسَ فِي ذَلِكَ إِلاَّ الاِجْتِهَادُ إِلاَّ أَنْ يَنْقُصَ بَصَرُ الْعَيْنِ فَيَكُونُ لَهُ بِقَدْرِ مَا نَقَصَ مِنْ بَصَرِ الْعَيْنِ . قَالَ يَحْيَى قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الْعَيْنِ الْقَائِمَةِ الْعَوْرَاءِ إِذَا طَفِئَتْ وَفِي الْيَدِ الشَّلاَّءِ إِذَا قُطِعَتْ إِنَّهُ لَيْسَ فِي ذَلِكَ إِلاَّ الاِجْتِهَادُ وَلَيْسَ فِي ذَلِكَ عَقْلٌ مُسَمًّى .

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1569

Yahya related to me from Malik that Yahya ibn Said heard Sulayman ibn Yasar mention that a face wound in which the bone was bared was like a head wound in which the bone was bared, unless the face was scarred by the wound. Then the blood-money is increased by one half of the blood-money of the head wound in which the skin was bared so that seventy five dinars are payable for it.

Malik said, "What is done in our community is that the head wound with splinters has fifteen camels." He explained, "The head wound with splinters is that from which pieces of bone fly off and which does not reach the brain. It can be in the head or the face."
Malik said, "The generally agreed on way of doing things in our community, is that there is no retaliation for a wound to the brain or a belly wound, and Ibn Shihab has said, 'There is no retaliation for a wound to the brain.' "
Malik explained, "The wound to the brain is what pierces the bones to the brain. This type of wound only occurs in the head. It is that which reaches the brain when the bones are pierced."
Malik said, "What is done in our community is that there is no blood-money paid on any head wound less than one which lays bare the skull. Blood-money is payable only for the head wound that bares the bone and what is worse than that. That is because the Messenger of Allah, may Allah bless him and grant him peace, stopped at the head wound which bared the bone in his letter to Amr ibn Hazm. He made it five camels. The imams, past and present, have not made any blood- money payable for injuries less than the head wound which bares the bone."
وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سُلَيْمَانَ بْنَ يَسَارٍ، يَذْكُرُ أَنَّ الْمُوضِحَةَ، فِي الْوَجْهِ مِثْلُ الْمُوضِحَةِ فِي الرَّأْسِ إِلاَّ أَنْ تَعِيبَ الْوَجْهَ فَيُزَادُ فِي عَقْلِهَا مَا بَيْنَهَا وَبَيْنَ عَقْلِ نِصْفِ الْمُوضِحَةِ فِي الرَّأْسِ فَيَكُونُ فِيهَا خَمْسَةٌ وَسَبْعُونَ دِينَارًا . قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا أَنَّ فِي الْمُنَقَّلَةِ خَمْسَ عَشْرَةَ فَرِيضَةً . قَالَ وَالْمُنَقَّلَةُ الَّتِي يَطِيرُ فِرَاشُهَا مِنَ الْعَظْمِ وَلاَ تَخْرِقُ إِلَى الدِّمَاغِ وَهِيَ تَكُونُ فِي الرَّأْسِ وَفِي الْوَجْهِ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا أَنَّ الْمَأْمُومَةَ وَالْجَائِفَةَ لَيْسَ فِيهِمَا قَوَدٌ . وَقَدْ قَالَ ابْنُ شِهَابٍ لَيْسَ فِي الْمَأْمُومَةِ قَوَدٌ . قَالَ مَالِكٌ وَالْمَأْمُومَةُ مَا خَرَقَ الْعَظْمَ إِلَى الدِّمَاغِ وَلاَ تَكُونُ الْمَأْمُومَةُ إِلاَّ فِي الرَّأْسِ وَمَا يَصِلُ إِلَى الدِّمَاغِ إِذَا خَرَقَ الْعَظْمَ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّهُ لَيْسَ فِيمَا دُونَ الْمُوضِحَةِ مِنَ الشِّجَاجِ عَقْلٌ حَتَّى تَبْلُغَ الْمُوضِحَةَ وَإِنَّمَا الْعَقْلُ فِي الْمُوضِحَةِ

فَمَا فَوْقَهَا وَذَلِكَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم انْتَهَى إِلَى الْمُوضِحَةِ فِي كِتَابِهِ لِعَمْرِو بْنِ حَزْمٍ فَجَعَلَ فِيهَا خَمْسًا مِنَ الإِبِلِ وَلَمْ تَقْضِ الأَئِمَّةُ فِي الْقَدِيمِ وَلاَ فِي الْحَدِيثِ فِيمَا دُونَ الْمُوضِحَةِ بِعَقْلٍ .

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1570

Yahya related to me from Malik from Yahya ibn Said, that Said ibn al-Musayyab said, "For every piercing wound in any of the organs or limbs of the body, one third of the blood-money of that limb is payable."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ كُلُّ نَافِذَةٍ فِي عُضْوٍ مِنَ الأَعْضَاءِ فَفِيهَا ثُلُثُ عَقْلِ ذَلِكَ الْعُضْوِ .

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1571

Malik related to me, "Ibn Shihab did not think and nor do I, that there is a generally agreed on way of doing things regarding a piercing wound in any of the organs or limbs of the body, but I think that there is ijtihad in the case. The imam uses ijtihad in it, and there is no generally agreed on way of doing things in our community about it."

Malik said, "What is done in our community about the wound to the brain and the wound which splinters the bone, and the wound that bares the bone is that they apply only to the head and face. Whatever of that occurs in the body only has ijtihad in it."
Malik said, "I do not think the lower jaw and the nose are part of the head in their injury because they are separate bones, and except for them the head is one bone."
حَدَّثَنِي مَالِكٌ، كَانَ ابْنُ شِهَابٍ لاَ يَرَى ذَلِكَ وَأَنَا لاَ، أَرَى فِي نَافِذَةٍ فِي عُضْوٍ مِنَ الأَعْضَاءِ فِي الْجَسَدِ أَمْرًا مُجْتَمَعًا عَلَيْهِ وَلَكِنِّي أَرَى فِيهَا الاِجْتِهَادَ يَجْتَهِدُ الإِمَامُ فِي ذَلِكَ وَلَيْسَ فِي ذَلِكَ أَمْرٌ مُجْتَمَعٌ عَلَيْهِ عِنْدَنَا . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّ الْمَأْمُومَةَ وَالْمُنَقِّلَةَ وَالْمُوضِحَةَ لاَ تَكُونُ إِلاَّ فِي الْوَجْهِ وَالرَّأْسِ فَمَا كَانَ فِي الْجَسَدِ مِنْ ذَلِكَ فَلَيْسَ فِيهِ إِلاَّ الاِجْتِهَادُ . قَالَ مَالِكٌ فَلاَ أَرَى اللَّحْىَ الأَسْفَلَ وَالأَنْفَ مِنَ الرَّأْسِ فِي جِرَاحِهِمَا لأَنَّهُمَا عَظْمَانِ مُنْفَرِدَانِ وَالرَّأْسُ بَعْدَهُمَا عَظْمٌ وَاحِدٌ .

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1572

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that Abdullah ibn az-Zubayr allowed retaliation for a head wound which splintered the bone.

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ، أَقَادَ مِنَ الْمُنَقِّلَةِ .

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1573

ibn Abi Abd ar-Rahman said, "I asked Said ibn al Musayyab, 'How much for the finger of a woman?' He said, 'Ten camels' I said, 'How much for two fingers?' He said, 'Twenty camels.' I said, 'How much for three?' He said, 'Thirty camels.' I said, 'How much for four?' He said, 'Twenty camels.' I said, 'When her wound is greater and her affliction stronger, is her blood-money then less?' He said, 'Are you an Iraqi?' I said, 'Rather, I am a scholar who seeks to verify things, or an ignorant man who seeks to learn.' Said said, 'It is the sunna, my nephew.' "

Malik said, "What is done in our community about all the fingers of the hand being cut off is that its blood- money is complete. That is because when five fingers are cut, their blood-money is the blood-money of the hand:
fifty camels. Each finger has ten camels."
Malik said, "The reckoning of the fingers is thirty-three dinars for each fingertip, and that is three and a third shares of camels."
وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّهُ قَالَ سَأَلْتُ سَعِيدَ بْنَ الْمُسَيَّبِ كَمْ فِي إِصْبَعِ الْمَرْأَةِ فَقَالَ عَشْرٌ مِنَ الإِبِلِ . فَقُلْتُ كَمْ فِي إِصْبَعَيْنِ قَالَ عِشْرُونَ مِنَ الإِبِلِ . فَقُلْتُ كَمْ فِي ثَلاَثٍ فَقَالَ ثَلاَثُونَ مِنَ الإِبِلِ . فَقُلْتُ كَمْ فِي أَرْبَعٍ قَالَ عِشْرُونَ مِنَ الإِبِلِ . فَقُلْتُ حِينَ عَظُمَ جُرْحُهَا وَاشْتَدَّتْ مُصِيبَتُهَا نَقَصَ عَقْلُهَا فَقَالَ سَعِيدٌ أَعِرَاقِيٌّ أَنْتَ فَقُلْتُ بَلْ عَالِمٌ مُتَثَبِّتٌ أَوْ جَاهِلٌ مُتَعَلِّمٌ . فَقَالَ سَعِيدٌ هِيَ السُّنَّةُ يَا ابْنَ أَخِي . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي أَصَابِعِ الْكَفِّ إِذَا قُطِعَتْ فَقَدْ تَمَّ عَقْلُهَا وَذَلِكَ أَنَّ خَمْسَ الأَصَابِعِ إِذَا قُطِعَتْ كَانَ عَقْلُهَا عَقْلَ الْكَفِّ خَمْسِينَ مِنَ الإِبِلِ فِي كُلِّ إِصْبَعٍ عَشَرَةٌ مِنَ الإِبِلِ . قَالَ مَالِكٌ وَحِسَابُ الأَصَابِعِ ثَلاَثَةٌ وَثَلاَثُونَ دِينَارًا وَثُلُثُ دِينَارٍ فِي كُلِّ أَنْمُلَةٍ وَهِيَ مِنَ الإِبِلِ ثَلاَثُ فَرَائِضَ وَثُلُثُ فَرِيضَةٍ .

USC-MSA web (English) reference : Book 43, Hadith 6
Arabic reference : Book 43, Hadith 1574

Yahya related to me from Malik from Zayd ibn Aslam from Muslim ibn Jundub from Aslam, the mawla of Umar ibn al-Khattab that Umar ibn al-Khattab decided on a camel for a molar, a camel for a collar-bone, and a camel for a rib.

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ مُسْلِمِ بْنِ جُنْدُبٍ، عَنْ أَسْلَمَ، مَوْلَى عُمَرَ بْنِ الْخَطَّابِ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَضَى فِي الضِّرْسِ بِجَمَلٍ وَفِي التَّرْقُوَةِ بِجَمَلٍ وَفِي الضِّلَعِ بِجَمَلٍ .

USC-MSA web (English) reference : Book 43, Hadith 7
Arabic reference : Book 43, Hadith 1575

Yahya related to me from Malik that Yahya ibn Said heard Said ibn al-Musayyab say, "Umar ibn al-Khattab decided on a camel for each molar, and Muawiya ibn Abi Sufyan decided on five camels for each molar."

Said ibn al-Musayyab said, "The blood-money is less in the judgement of Umar ibn al-Khattab and more in the judgement of Muawiya. Had it been me, I would have made it two camels for each molar. That is the fair blood-money, and every one who strives with ijtihad is rewarded."
وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ قَضَى عُمَرُ بْنُ الْخَطَّابِ فِي الأَضْرَاسِ بِبَعِيرٍ بَعِيرٍ وَقَضَى مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ فِي الأَضْرَاسِ بِخَمْسَةِ أَبْعِرَةٍ خَمْسَةِ أَبْعِرَةٍ . قَالَ سَعِيدُ بْنُ الْمُسَيَّبِ فَالدِّيَةُ تَنْقُصُ فِي قَضَاءِ عُمَرَ بْنِ الْخَطَّابِ وَتَزِيدُ فِي قَضَاءِ مُعَاوِيَةَ فَلَوْ كُنْتُ أَنَا لَجَعَلْتُ فِي الأَضْرَاسِ بَعِيرَيْنِ بَعِيرَيْنِ فَتِلْكَ الدِّيَةُ سَوَاءٌ وَكُلُّ مُجْتَهِدٍ مَأْجُورٌ .

USC-MSA web (English) reference : Book 43, Hadith 7
Arabic reference : Book 43, Hadith 1576

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab used to say,' 'When a tooth is struck and becomes black, there is complete blood- money for it. If it falls out after it becomes black, there is also the complete blood-money for it."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ إِذَا أُصِيبَتِ السِّنُّ فَاسْوَدَّتْ فَفِيهَا عَقْلُهَا تَامًّا فَإِنْ طُرِحَتْ بَعْدَ أَنْ تَسْوَدَّ فَفِيهَا عَقْلُهَا أَيْضًا تَامًّا ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 7
Arabic reference : Book 43, Hadith 1577

Yahya related to me from Malik from Da'ud ibn al-Husayn that Abu Ghatafan ibn Tarif al-Murri informed him that Marwan ibn al-Hakam sent him to Abdullah ibn Abbas to ask him what there was for the molar. Abdullah ibn Abbas said, "There are five camels for it." He said, "Marwan sent me back again to Abdullah ibn Abbas." He said, "Do you make front teeth like molars?" Abdullah ibn Abbas said, "It is enough that you take the fingers as the example for that, their blood-moneys being all the same."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنْ أَبِي غَطَفَانَ بْنِ طَرِيفٍ الْمُرِّيِّ، أَنَّهُ أَخْبَرَهُ أَنَّ مَرْوَانَ بْنَ الْحَكَمِ بَعَثَهُ إِلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ يَسْأَلُهُ مَاذَا فِي الضِّرْسِ فَقَالَ عَبْدُ اللَّهِ بْنُ عَبَّاسٍ فِيهِ خَمْسٌ مِنَ الإِبِلِ ‏.‏ قَالَ فَرَدَّنِي مَرْوَانُ إِلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ فَقَالَ أَتَجْعَلُ مُقَدَّمَ الْفَمِ مِثْلَ الأَضْرَاسِ ‏.‏ فَقَالَ عَبْدُ اللَّهِ بْنُ عَبَّاسٍ لَوْ لَمْ تَعْتَبِرْ ذَلِكَ إِلاَّ بِالأَصَابِعِ عَقْلُهَا سَوَاءٌ ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 8
Arabic reference : Book 43, Hadith 1578

Yahya related to me from Malik from Hisham ibn Urwa that his father made all the teeth the same in the blood-money and did not prefer any kind over others.

Malik said, "What is done in our community is that the front teeth, molars, and eye-teeth have the same blood-money. That is because the Messenger of Allah, may Allah bless him and grant him peace, said, 'The tooth has five camels.' The molar is one of the teeth and he did not prefer any kind over the others."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يُسَوِّي بَيْنَ الأَسْنَانِ فِي الْعَقْلِ وَلاَ يُفَضِّلُ بَعْضَهَا عَلَى بَعْضٍ ‏.‏ قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا أَنَّ مُقَدَّمَ الْفَمِ وَالأَضْرَاسِ وَالأَنْيَابِ عَقْلُهَا سَوَاءٌ وَذَلِكَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ فِي السِّنِّ خَمْسٌ مِنَ الإِبِلِ ‏"‏ ‏.‏ وَالضِّرْسُ سِنٌّ مِنَ الأَسْنَانِ لاَ يَفْضُلُ بَعْضُهَا عَلَى بَعْضٍ ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 8
Arabic reference : Book 43, Hadith 1579

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab and Sulayman ibn Yasar said, "The head wound of the slave in which the bone is bared is a twentieth of his price."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، كَانَا يَقُولاَنِ فِي مُوضِحَةِ الْعَبْدِ نِصْفُ عُشْرِ ثَمَنِهِ ‏.‏

USC-MSA web (English) reference : Book 43, Hadith 8
Arabic reference : Book 43, Hadith 1580

Malik related to me that he had heard that Marwan ibn al-Hakam gave a decision about a slave who was injured that the person who injured him had to pay what he had diminished of the value of the slave.

Malik said, "What is done in our community is that for the head wound of a slave that bares the bone, there is a twentieth of his price. The head wound which splinters the bone is three twentieths of his price. Both the wound to the brain and the belly wound are a third of his price. Besides these four, any other types of injury that decrease the

price of the slave are considered after the slave is better and well, and one sees what the value of the slave is after his injury and what his value whole was before he had the injury. Then the one who injured him pays the difference between the two values."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ مَرْوَانَ بْنَ الْحَكَمِ، كَانَ يَقْضِي فِي الْعَبْدِ يُصَابُ بِالْجِرَاحِ أَنَّ عَلَى مَنْ جَرَحَهُ قَدْرَ مَا نَقَصَ مِنْ ثَمَنِ الْعَبْدِ . قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا أَنَّ فِي مُوضِحَةِ الْعَبْدِ نِصْفَ عُشْرِ ثَمَنِهِ وَفِي مُنَقَّلَتِهِ الْعُشْرُ وَنِصْفُ الْعُشْرِ مِنْ ثَمَنِهِ وَفِي مَأْمُومَتِهِ وَجَائِفَتِهِ فِي كُلِّ وَاحِدَةٍ مِنْهُمَا ثُلُثُ ثَمَنِهِ وَفِيمَا سِوَى هَذِهِ الْخِصَالِ الأَرْبَعِ مِمَّا يُصَابُ بِهِ الْعَبْدُ مَا نَقَصَ مِنْ ثَمَنِهِ يُنْظَرُ فِي ذَلِكَ بَعْدَ مَا يَصِحُّ الْعَبْدُ وَيَبْرَأُ كَمْ بَيْنَ قِيمَةِ الْعَبْدِ بَعْدَ أَنْ أَصَابَهُ الْجُرْحُ وَقِيمَتِهِ صَحِيحًا قَبْلَ أَنْ يُصِيبَهُ هَذَا ثُمَّ يَغْرَمُ الَّذِي أَصَابَهُ مَا بَيْنَ الْقِيمَتَيْنِ . قَالَ مَالِكٌ فِي الْعَبْدِ إِذَا كُسِرَتْ يَدُهُ أَوْ رِجْلُهُ ثُمَّ صَحَّ كَسْرُهُ فَلَيْسَ عَلَى مَنْ أَصَابَهُ شَىْءٌ فَإِنْ أَصَابَ كَسْرَهُ ذَلِكَ نَقْصٌ أَوْ عَثَلٌ كَانَ عَلَى مَنْ أَصَابَهُ قَدْرُ مَا نَقَصَ مِنْ ثَمَنِ الْعَبْدِ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الْقِصَاصِ بَيْنَ الْمَمَالِيكِ كَهَيْئَةِ قِصَاصِ الأَحْرَارِ نَفْسُ الأَمَةِ بِنَفْسِ الْعَبْدِ وَجُرْحُهَا بِجُرْحِهِ فَإِذَا قَتَلَ الْعَبْدُ عَبْدًا عَمْدًا خُيِّرَ سَيِّدُ الْعَبْدِ الْمَقْتُولِ فَإِنْ شَاءَ قَتَلَ وَإِنْ شَاءَ أَخَذَ الْعَقْلَ فَإِنْ أَخَذَ الْعَقْلَ أَخَذَ قِيمَةَ عَبْدِهِ وَإِنْ شَاءَ رَبُّ الْعَبْدِ الْقَاتِلِ أَنْ يُعْطِيَ ثَمَنَ الْعَبْدِ الْمَقْتُولِ فَعَلَ وَإِنْ شَاءَ أَسْلَمَ عَبْدَهُ فَإِذَا أَسْلَمَهُ فَلَيْسَ عَلَيْهِ غَيْرُ ذَلِكَ وَلَيْسَ لِرَبِّ الْعَبْدِ الْمَقْتُولِ إِذَا أَخَذَ الْعَبْدَ الْقَاتِلَ وَرَضِيَ بِهِ أَنْ يَقْتُلَهُ وَذَلِكَ فِي الْقِصَاصِ كُلِّهِ بَيْنَ الْعَبِيدِ فِي قَطْعِ الْيَدِ وَالرِّجْلِ وَأَشْبَاهِ ذَلِكَ بِمَنْزِلَتِهِ فِي الْقَتْلِ . قَالَ مَالِكٌ فِي الْعَبْدِ الْمُسْلِمِ يَجْرَحُ الْيَهُودِيَّ أَوِ النَّصْرَانِيَّ إِنَّ سَيِّدَ الْعَبْدِ إِنْ شَاءَ أَنْ يَعْقِلَ عَنْهُ مَا قَدْ أَصَابَ فَعَلَ أَوْ أَسْلَمَهُ فَيُبَاعُ فَيُعْطِي الْيَهُودِيَّ أَوِ النَّصْرَانِيَّ مِنْ ثَمَنِ الْعَبْدِ دِيَةَ جُرْحِهِ أَوْ ثَمَنَهُ كُلَّهُ إِنْ أَحَاطَ بِثَمَنِهِ وَلاَ يُعْطِي الْيَهُودِيَّ وَلاَ النَّصْرَانِيَّ عَبْدًا مُسْلِمًا .

USC-MSA web (English) reference : Book 43, Hadith 8
Arabic reference : Book 43, Hadith 1581

Yahya related to me from Malik that he heard that Umar ibn Abd al-Aziz gave a decision that when a jew or christian was killed, his blood-money was half the blood-money of a free muslim.

Malik said, "What is done in our community, is that a muslim is not killed for a kafir unless the muslim kills him by deceit. Then he is killed for it."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، قَضَى أَنَّ دِيَةَ الْيَهُودِيِّ، أَوِ النَّصْرَانِيِّ - إِذَا قُتِلَ أَحَدُهُمَا - مِثْلُ نِصْفِ دِيَةِ الْحُرِّ الْمُسْلِمِ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنْ لاَ يُقْتَلَ مُسْلِمٌ بِكَافِرٍ إِلاَّ أَنْ يَقْتُلَهُ مُسْلِمٌ قَتْلَ غِيلَةٍ فَيُقْتَلُ بِهِ .

USC-MSA web (English) reference : Book 43, Hadith 8
Arabic reference : Book 43, Hadith 1582

Yahya related to me from Malik from Yahya ibn Said that Sulayman ibn Yasar said, "The blood-money of a magian is eight hundred dirhams."

Malik said, "This is what is done in our community."
Malik said, "The blood-monies of the jew, christian, and magian in their injuries, is according to the injury of the muslims in their blood-moneys. The head wound is a twentieth of his full blood-money. The wound that opens the head is a third of his blood-money. The belly-wound is a third of his blood-money. All their injuries are according to this calculation."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ سُلَيْمَانَ بْنَ يَسَارٍ، كَانَ يَقُولُ دِيَةُ الْمَجُوسِيِّ ثَمَانِي مِائَةِ دِرْهَمٍ . قَالَ مَالِكٌ وَهُوَ الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ وَجِرَاحُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ وَالْمَجُوسِيِّ فِي دِيَاتِهِمْ عَلَى حِسَابِ جِرَاحِ الْمُسْلِمِينَ فِي دِيَاتِهِمُ الْمُوضِحَةُ نِصْفُ عُشْرِ دِيَتِهِ وَالْمَأْمُومَةُ ثُلُثُ دِيَتِهِ وَالْجَائِفَةُ ثُلُثُ دِيَتِهِ فَعَلَى حِسَابِ ذَلِكَ جِرَاحَاتُهُمْ كُلُّهَا .

USC-MSA web (English) reference : Book 43, Hadith 8
Arabic reference : Book 43, Hadith 1583

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "The tribe is not obliged to pay blood-money for intentional murder. They pay blood-money for accidental killing."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ لَيْسَ عَلَى الْعَاقِلَةِ عَقْلٌ فِي قَتْلِ الْعَمْدِ إِنَّمَا عَلَيْهِمْ عَقْلُ قَتْلِ الْخَطَإِ .

USC-MSA web (English) reference : Book 43, Hadith 8
Arabic reference : Book 43, Hadith 1584

Yahya related to me from Malik that Ibn Shihab said, "The precedent of the sunna is that the tribe are not liable for any blood- money of an intentional killing unless they wish that."

Yahya related to me from Malik from Yahya ibn Said the same as that.

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ مَضَتِ السُّنَّةُ أَنَّ الْعَاقِلَةَ لاَ تَحْمِلُ شَيْئًا مِنْ دِيَةِ الْعَمْدِ إِلاَّ أَنْ يَشَاءُوا ذَلِكَ .

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، مِثْلَ ذَلِكَ .

USC-MSA web (English) reference : Book 43, Hadith 8
Arabic reference : Book 43, Hadith 1585

Malik said that Ibn Shihab said, "The precedent of the sunna in the intentional murder is that when the relatives of the murdered person relinquish retaliation, the blood-money is owed by the murderer from his own property unless the tribe helps him with it willingly."

Malik said, "What is done in our community is that the blood- money is not obliged against the tribe until it has reached a third of the full amount and upwards. Whatever reaches a third is against the tribe, and whatever is below a third, is against the property of the one who did the injury."
Malik said, "The way of doing things about which there is no dispute among us, in the case of someone who has the blood-money accepted from him in intentional murder or in any injury in which there is retaliation, is that that blood-money is not due from the tribe unless they wish it. The blood-money for that is from the property of the murderer or the injurer if he has property. If he does not have any property, it is a debt against him, and none of it is owed by the tribe unless they wish."
Malik said, "The tribe does not pay blood-money to anyone who injures himself, intentionally or accidentally. This is the opinion of the people of fiqh in our community. I have not heard that anyone has made the tribe liable for any blood-money incurred by intentional acts. Part of what is well-known of that is that Allah, the Blessed, and the Exalted, said in His Book, 'Whoever has something pardoned him by his brother, should follow it with what is accepted and pay it with good will' (Sura 2 ayat 178) The commentary on that - in our view - and Allah knows best, is that whoever gives his brother something of the blood- money, should follow it with what is accepted and pay him with good will."

Malik spoke about a child who had no property and a woman who had no property. He said, "When one of them causes an injury below a third of the blood-money, it is taken on behalf of the child and woman from their personal property, if they have property from which it may be taken. If not, the injury which each of them has caused is a debt against them. The tribe does not have to pay any of it and the father of a child is not liable for the blood-money of an injury caused by the child and he is not responsible for it."

Malik said, "The way of doing things in our community about which there is no dispute, is that when a slave is killed, the value for him is that of the day on which he was killed. The tribe of the murderer is not liable for any of the value of the slave, great or small. That is the responsibility of the one who struck him from his own personal property as far as it covers. If the value of the slave is the blood- money or more, that is against him in his property. That is because the slave is a certain type of goods."

قَالَ مَالِكٌ إِنَّ ابْنَ شِهَابٍ قَالَ مَضَتِ السُّنَّةُ فِي قَتْلِ الْعَمْدِ حِينَ يَعْفُو أَوْلِيَاءُ الْمَقْتُولِ أَنَّ الدِّيَةَ تَكُونُ عَلَى الْقَاتِلِ فِي مَالِهِ خَاصَّةً إِلاَّ أَنْ تُعِينَهُ الْعَاقِلَةُ عَنْ طِيبِ نَفْسٍ مِنْهَا . قَالَ مَالِكٌ وَالأَمْرُ عِنْدَنَا أَنَّ الدِّيَةَ لاَ تَجِبُ عَلَى الْعَاقِلَةِ حَتَّى تَبْلُغَ الثُّلُثَ فَصَاعِدًا فَمَا بَلَغَ الثُّلُثَ فَهُوَ عَلَى الْعَاقِلَةِ وَمَا كَانَ دُونَ الثُّلُثِ فَهُوَ فِي مَالِ الْجَارِحِ خَاصَّةً . قَالَ مَالِكٌ الأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا فِيمَنْ قُبِلَتْ مِنْهُ الدِّيَةُ فِي قَتْلِ الْعَمْدِ أَوْ فِي شَىْءٍ مِنَ الْجِرَاحِ الَّتِي فِيهَا الْقِصَاصُ أَنَّ عَقْلَ ذَلِكَ لاَ يَكُونُ عَلَى الْعَاقِلَةِ إِلاَّ أَنْ يَشَاءُوا وَإِنَّمَا عَقْلُ ذَلِكَ فِي مَالِ الْقَاتِلِ أَوِ الْجَارِحِ خَاصَّةً إِنْ وُجِدَ لَهُ مَالٌ فَإِنْ لَمْ يُوجَدْ لَهُ مَالٌ كَانَ دَيْنًا عَلَيْهِ وَلَيْسَ عَلَى الْعَاقِلَةِ مِنْهُ شَىْءٌ إِلاَّ أَنْ يَشَاءُوا . قَالَ مَالِكٌ وَلاَ تَعْقِلُ الْعَاقِلَةُ أَحَدًا أَصَابَ نَفْسَهُ عَمْدًا أَوْ خَطَأً بِشَىْءٍ وَعَلَى ذَلِكَ رَأْىُ أَهْلِ الْفِقْهِ عِنْدَنَا وَلَمْ أَسْمَعْ أَنَّ أَحَدًا ضَمَّنَ الْعَاقِلَةَ مِنْ دِيَةِ الْعَمْدِ شَيْئًا وَمِمَّا يُعْرَفُ بِهِ ذَلِكَ أَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ فِي كِتَابِهِ {فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَىْءٌ فَاتِّبَاعٌ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ}فَتَفْسِيرُ ذَلِكَ - فِيمَا نُرَى وَاللَّهُ أَعْلَمُ - أَنَّهُ مَنْ أُعْطِيَ مِنْ أَخِيهِ شَىْءٌ مِنَ الْعَقْلِ فَلْيَتْبَعْهُ بِالْمَعْرُوفِ وَلْيُؤَدِّ إِلَيْهِ بِإِحْسَانٍ . قَالَ مَالِكٌ فِي الصَّبِيِّ الَّذِي لاَ مَالَ لَهُ وَالْمَرْأَةِ الَّتِي لاَ مَالَ لَهَا إِذَا جَنَى أَحَدُهُمَا جِنَايَةً دُونَ الثُّلُثِ إِنَّهُ ضَامِنٌ عَلَى الصَّبِيِّ وَالْمَرْأَةِ فِي مَالِهِمَا خَاصَّةً إِنْ كَانَ لَهُمَا مَالٌ أُخِذَ مِنْهُ وَإِلاَّ فَجِنَايَةُ كُلِّ وَاحِدٍ مِنْهُمَا دَيْنٌ عَلَيْهِ لَيْسَ عَلَى الْعَاقِلَةِ مِنْهُ شَىْءٌ وَلاَ يُؤْخَذُ أَبُو الصَّبِيِّ بِعَقْلِ جِنَايَةِ الصَّبِيِّ وَلَيْسَ ذَلِكَ عَلَيْهِ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا الَّذِي لاَ اخْتِلاَفَ فِيهِ أَنَّ الْعَبْدَ إِذَا قُتِلَ كَانَتْ فِيهِ الْقِيمَةُ يَوْمَ يُقْتَلُ وَلاَ تَحْمِلُ عَاقِلَةُ قَاتِلِهِ مِنْ قِيمَةِ الْعَبْدِ شَيْئًا قَلَّ أَوْ كَثُرَ وَإِنَّمَا ذَلِكَ عَلَى الَّذِي أَصَابَهُ فِي مَالِهِ خَاصَّةً بَالِغًا مَا بَلَغَ وَإِنْ كَانَتْ قِيمَةُ الْعَبْدِ الدِّيَةَ أَوْ أَكْثَرَ فَذَلِكَ عَلَيْهِ فِي مَالِهِ وَذَلِكَ لأَنَّ الْعَبْدَ سِلْعَةٌ مِنَ السِّلَعِ .

USC-MSA web (English) reference : Book 43, Hadith 8
Arabic reference : Book 43, Hadith 1587

Yahya related to me from Malik from Ibn Shihab that Umar ibn al- Khattab demanded of the people at Mina, "If anyone has knowledge of blood-money, let him inform me." Ad-Dahhak ibn Sufyan al-Kilabi stood up and said, "The Messenger of Allah, may Allah bless him and grant him peace, wrote to me that the wife of Ashyam ad-Dibabi inherited from the blood-money of her husband." Umar ibn al-Khattab said to him, "Go into the tent until I come to you." When Umar ibn al-Khattab came in, ad-Dahhak told him about it and Umar ibn al-Khattab gave a decision based on that.

Ibn Shihab said, "The killing of Ashyam was accidental."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، نَشَدَ النَّاسَ بِمِنًى مَنْ كَانَ عِنْدَهُ عِلْمٌ مِنَ الدِّيَةِ أَنْ يُخْبِرَنِي . فَقَامَ الضَّحَّاكُ بْنُ سُفْيَانَ الْكِلاَبِيُّ فَقَالَ كَتَبَ إِلَىَّ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ أُوَرِّثَ امْرَأَةَ أَشْيَمَ الضِّبَابِيِّ مِنْ دِيَةِ زَوْجِهَا . فَقَالَ

لَهُ عُمَرُ بْنُ الْخَطَّابِ ادْخُلِ الْخِبَاءَ حَتَّى آتِيَكَ فَلَمَّا نَزَلَ عُمَرُ بْنُ الْخَطَّابِ أَخْبَرَهُ الضَّحَّاكُ فَقَضَى بِذَلِكَ عُمَرُ بْنُ الْخَطَّابِ . قَالَ ابْنُ شِهَابٍ وَكَانَ قَتْلُ أَشْيَمَ خَطَأً .

USC-MSA web (English) reference : Book 43, Hadith 9
Arabic reference : Book 43, Hadith 1588

Malik related to me from Yahya ibn Said from Amr ibn Shuayb that a man of the Banu Mudlij called Qatada threw a sword at his son and it struck his thigh. The wound bled profusely and he died. Suraqa ibn Jusham came to Umar ibn al-Khattab and mentioned that to him Umar said to him, "At the watering place of Qudayd count one hundred and twenty camels and wait until I come to you." When Umar ibn al-Khattab came to him, he took thirty four-year-old camels, thirty five-year-old camels, and forty pregnant camels from them. Then he said, "Where is the brother of the slain man?" He said, "Here." He said, "Take them. The Messenger of Allah, may Allah bless him and grant him peace, said, 'The killer gets nothing.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، أَنَّ رَجُلاً، مِنْ بَنِي مُدْلِجٍ - يُقَالُ لَهُ قَتَادَةُ - حَذَفَ ابْنَهُ بِالسَّيْفِ فَأَصَابَ سَاقَهُ فَنُزِيَ فِي جُرْحِهِ فَمَاتَ فَقَدِمَ سُرَاقَةُ بْنُ جُعْشُمٍ عَلَى عُمَرَ بْنِ الْخَطَّابِ فَذَكَرَ ذَلِكَ لَهُ فَقَالَ لَهُ عُمَرُ اعْدُدْ عَلَى مَاءِ قُدَيْدٍ عِشْرِينَ وَمِائَةَ بَعِيرٍ حَتَّى أَقْدَمَ عَلَيْكَ فَلَمَّا قَدِمَ إِلَيْهِ عُمَرُ بْنُ الْخَطَّابِ أَخَذَ مِنْ تِلْكَ الإِبِلِ ثَلاَثِينَ حِقَّةً وَثَلاَثِينَ جَذَعَةً وَأَرْبَعِينَ خَلِفَةً ثُمَّ قَالَ أَيْنَ أَخُو الْمَقْتُولِ قَالَ هَا أَنَا ذَا . قَالَ خُذْهَا فَإِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لَيْسَ لِقَاتِلٍ شَىْءٌ " .

USC-MSA web (English) reference : Book 43, Hadith 10
Arabic reference : Book 43, Hadith 1589

Malik said that he had heard that Said ibn al-Musayyab and Sulayman ibn Yasar were asked, "Does one deal more harshly in taking the blood-money in the sacred month?" They said, "No. But it is increased in it because of violating the month." It was said to Said, "Does one increase for the wound as one increases for the life?" He said, "Yes."

Malik added, "I think that they meant the same as what Umar ibn al-Khattab did with respect to the blood-money of the Mudliji when he struck his son." (i.e. giving 120 camels instead of 100).

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنَ يَسَارٍ، سُئِلاَ أَتُغَلَّظُ الدِّيَةُ فِي الشَّهْرِ الْحَرَامِ فَقَالاَ لاَ وَلَكِنْ يُزَادُ فِيهَا لِلْحُرْمَةِ . فَقِيلَ لِسَعِيدٍ هَلْ يُزَادُ فِي الْجِرَاحِ كَمَا يُزَادُ فِي النَّفْسِ فَقَالَ نَعَمْ . قَالَ مَالِكٌ أُرَاهُمَا أَرَادَا مِثْلَ الَّذِي صَنَعَ عُمَرُ بْنُ الْخَطَّابِ فِي عَقْلِ الْمُدْلِجِيِّ حِينَ أَصَابَ ابْنَهُ .

USC-MSA web (English) reference : Book 43, Hadith 10
Arabic reference : Book 43, Hadith 1590

11 Malik related to me from Yahya ibn Said from Urwa ibn az- Zubayr that a man of the Ansar called Uhayha ibn al-Julah had a young paternal uncle who was younger than him and who was living with his maternal uncles. Uhayha took him and killed him. His maternal uncles said, "We brought him up from a baby to a youth till he stood firm on his feet, and we have had the right of a man taken from us by his paternal uncle." Urwa said, "For that reason a killer does not inherit from the one he killed."

Malik said, "The way of doing things about which there is no dispute is that the intentional murderer does not inherit anything of the blood-money of the person he has murdered or any of his property. He does not stop anyone who has a share of inheritance from inheriting. The one who kills accidentally does not inherit anything of the blood-

money and there is dispute as to whether or not he inherits from the dead person's property because there is no suspicion that he killed him for his inheritance and in order to take his property. I prefer that he inherit from the dead person's property and not inherit from the blood-money."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، أَنَّ رَجُلاً، مِنَ الأَنْصَارِ - يُقَالُ لَهُ أُحَيْحَةُ بْنُ الْجُلاَحِ - كَانَ لَهُ عَمٌّ صَغِيرٌ هُوَ أَصْغَرُ مِنْ أُحَيْحَةَ وَكَانَ عِنْدَ أَخْوَالِهِ فَأَخَذَهُ أُحَيْحَةُ فَقَتَلَهُ فَقَالَ أَخْوَالُهُ كُنَّا أَهْلَ ثُمِّهِ وَرُمِّهِ حَتَّى إِذَا اسْتَوَى عَلَى عُمَمِهِ غَلَبَنَا حَقُّ امْرِئٍ فِي عَمِّهِ . قَالَ عُرْوَةُ فَلِذَلِكَ لاَ يَرِثُ قَاتِلٌ مَنْ قَتَلَ . قَالَ مَالِكٌ الأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا أَنَّ قَاتِلَ الْعَمْدِ لاَ يَرِثُ مِنْ دِيَةِ مَنْ قَتَلَ شَيْئًا وَلاَ مِنْ مَالِهِ وَلاَ يَحْجُبُ أَحَدًا وَقَعَ لَهُ مِيرَاثٌ وَأَنَّ الَّذِي يَقْتُلُ خَطَأً لاَ يَرِثُ مِنَ الدِّيَةِ شَيْئًا وَقَدِ اخْتُلِفَ فِي أَنْ يَرِثَ مِنْ مَالِهِ لأَنَّهُ لاَ يُتَّهَمُ عَلَى أَنَّهُ قَتَلَهُ لِيَرِثَهُ وَلِيَأْخُذَ مَالَهُ فَأَحَبُّ إِلَىَّ أَنْ يَرِثَ مِنْ مَالِهِ وَلاَ يَرِثُ مِنْ دِيَتِهِ .

USC-MSA web (English) reference : Book 43, Hadith 11
Arabic reference : Book 43, Hadith 1591

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab and Abu Salama ibn Abd ar-Rahman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The wound of an animal is of no account and no compensation is due for it. The well is of no account and no compensation is due for it. The mine is of no account and no compensation is due for it and a fifth is due for buried treasures." (Al-kanz: see Book 17).

Malik said, "Everyone leading an animal by the halter, driving it, and riding it is responsible for what the animal strikes unless the animal kicks out without anything being done to it to make it kick out. Umar ibn al-Khattab imposed the blood-money on a person who was exercising his horse."

Malik said, "It is more fitting that a person leading an animal by the halter, driving it, or riding it incur a loss than a person who is exercising his horse." (See hadith 4 of this book).

Malik said, "What is done in our community about a person who digs a well on a road or ties up an animal or does the like of that on a road used by muslims, is that since what he has done is included in that which he is not permitted to do in such a place, he is liable for whatever injury or other thing arises from that action. The blood-money of that which is less than a third of the full blood- money is owed from his own personal property. Whatever reaches a third or more, is owed by his tribe. Any such things that he does which he is permitted to do on the muslims' road are something for which he has no liability or loss. Part of that is a hole which a man digs to collect rain, and the beast from which the man alights for some need and leaves standing on the road. There is no penalty against anyone for this."

Malik spoke about a man who went down a well, and another man followed behind him, and the lower one pulled the higher one and they fell into the well and both died He said, "The tribe of the one who pulled him in is responsible for the blood-money."

Malik spoke about a child whom a man ordered to go down into a well or to climb a palm tree and he died as a result. He said, "The one who ordered him is liable for whatever befalls him, be it death or something else."

Malik said, "The way of doing things in our community about which there is no dispute is that women and children are not obliged to pay blood-money together with the tribe in the blood-moneys which the tribe must pay. The blood-money is only obligatory for a man who has reached puberty."

Malik said that the tribe could bind themselves to the blood-money of mawali if they wished. If they refused, they were people of the diwan or were cut off from their people. In the time of the Messenger of Allah, may Allah bless him and grant him peace, people paid the blood-money to each other as well as in the time of Abu Bakr as-Siddiq before there was a diwan. The diwan was in the time of Umar ibn al-Khattab. No one other than one's people and the ones holding the wala' paid blood- money for one because the wala' was not transferable and because the Prophet, may Allah bless him and grant him peace, said, "The wala' belongs to the one who sets free."

Malik said, "The wala' is an established relationship."
Malik said, "What is done in our community about animals that are injured is that the person who causes the injury pays whatever of their value has been diminished."
Malik said about a man condemned to death and one of the other hudud befell him, "He is not punished for it. That is because the killing overrides all of that, except for slander. The slander remains hanging over the one to whom it was said because it will be said to him, 'Why do you not flog the one who slandered you?' I think that the condemned man is flogged with the hadd before he is killed, and then he is killed. I do not think that any retaliation is inflicted on him for any injury except killing because killing overrides all of that."
Malik said, "What is done in our community is that when a murdered person is found among the main body of a people in a village or other place, the house or place of the nearest people to him is not responsible. That is because the murdered person can be slain and then cast at the door of some people to shame them by it. No one is responsible for the like of that."
Malik said about a group of people who fight with each other and when the fight is broken up, a man is found dead or wounded, and it is not known who did it, "The best of what is heard about that is that there is blood-money for him, and the blood-money is against the people who argued with him. If the injured or slain person is not from either of the two parties, his blood-money is against both of the two parties together."
حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَأَبِي، سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " جَرْحُ الْعَجْمَاءِ جُبَارٌ وَالْبِئْرُ جُبَارٌ وَالْمَعْدِنُ جُبَارٌ وَفِي الرِّكَازِ الْخُمُسُ " .

USC-MSA web (English) reference : Book 43, Hadith 12
Arabic reference : Book 43, Hadith 1592

Yahya related to me from Malik from Yahya ibn Said from Said ibn al-Musayyab that Umar ibn al-Khattab killed five or seven people for one man whom they had killed secretly by trickery. Umar said, "Had all the people of Sana joined forces against him, I would have killed them all."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَتَلَ نَفَرًا خَمْسَةً أَوْ سَبْعَةً بِرَجُلٍ وَاحِدٍ قَتَلُوهُ قَتْلَ غِيلَةٍ وَقَالَ عُمَرُ لَوْ تَمَالأَ عَلَيْهِ أَهْلُ صَنْعَاءَ لَقَتَلْتُهُمْ جَمِيعًا .

USC-MSA web (English) reference : Book 43, Hadith 13
Arabic reference : Book 43, Hadith 1593

Yahya related to me from Malik from Muhammad ibn Abd ar-Rahman ibn Sad ibn Zurara that he had heard that Hafsa, the wife of the Prophet, may Allah bless him and grant him peace, killed one of her slave-girls who had used sorcery against her. She was a mudabbara. Hafsa gave the order, and she was killed.

Malik said, "The sorcerer is the one who uses sorcery for himself and no one else uses that for him. It is like the one about whom Allah, the Blessed, the Exalted, said in His Book, 'They know the one who devotes himself to it will have no share in the Next World.' (Sura 2 ayat 102) I think that that person is killed if he does that himself."
وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ سَعْدِ بْنِ زُرَارَةَ، أَنَّهُ بَلَغَهُ أَنَّ حَفْصَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم قَتَلَتْ جَارِيَةً لَهَا سَحَرَتْهَا وَقَدْ كَانَتْ دَبَّرَتْهَا فَأَمَرَتْ بِهَا فَقُتِلَتْ . قَالَ مَالِكٌ السَّاحِرُ الَّذِي يَعْمَلُ السِّحْرَ وَلَمْ يَعْمَلْ ذَلِكَ لَهُ غَيْرُهُ هُوَ مَثَلُ الَّذِي قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى فِي كِتَابِهِ {وَلَقَدْ عَلِمُوا لَمَنِ اشْتَرَاهُ مَا لَهُ فِي الآخِرَةِ مِنْ خَلاَقٍ} فَأَرَى أَنْ يُقْتَلَ ذَلِكَ إِذَا عَمِلَ ذَلِكَ هُوَ نَفْسُهُ .

USC-MSA web (English) reference : Book 43, Hadith 14
Arabic reference : Book 43, Hadith 1594

Yahya related to me from Malik from Umar ibn Husayn, the mawla of A'isha bint Qudama, that Abd al-Malik ibn Marwan imposed retaliation against a man who killed a mawla with a stick and so the mawla's patron killed the man with a stick.

Malik said, "The generally agreed on way of doing things in our community about which there is no dispute is that when a man strikes another man with a stick or hits him with a rock or intentionally strikes him causing his death, that is an intentional injury and there is retaliation for it."
Malik said, "Intentional murder with us is that a man intentionally goes to a man and strikes him until his life goes. Part of intentional injury also is that a man strikes a man in a quarrel between them. He leaves him while he is alive, and he bleeds to death and so dies. There is retaliation for that."
Malik said, "What is done in our community is that a group of free men are killed for the intentional murder of one free man, and a group of women for one woman, and a group of slaves for one slave."
وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عُمَرَ بْنِ حُسَيْنٍ، مَوْلَى عَائِشَةَ بِنْتِ قُدَامَةَ أَنَّ عَبْدَ الْمَلِكِ بْنَ مَرْوَانَ، أَقَادَ وَلِيَّ رَجُلٍ مِنْ رَجُلٍ قَتَلَهُ بِعَصًا فَقَتَلَهُ وَلِيُّهُ بِعَصًا . قَالَ مَالِكٌ وَالأَمْرُ الْمُجْتَمَعُ عَلَيْهِ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا أَنَّ الرَّجُلَ إِذَا ضَرَبَ الرَّجُلَ بِعَصًا أَوْ رَمَاهُ بِحَجَرٍ أَوْ ضَرَبَهُ عَمْدًا فَمَاتَ مِنْ ذَلِكَ فَإِنَّ ذَلِكَ هُوَ الْعَمْدُ وَفِيهِ الْقِصَاصُ . قَالَ مَالِكٌ فَقَتْلُ الْعَمْدِ عِنْدَنَا أَنْ يَعْمِدَ الرَّجُلُ إِلَى الرَّجُلِ فَيَضْرِبَهُ حَتَّى تَفِيظَ نَفْسُهُ وَمِنَ الْعَمْدِ أَيْضًا أَنْ يَضْرِبَ الرَّجُلُ الرَّجُلَ فِي النَّائِرَةِ تَكُونُ بَيْنَهُمَا ثُمَّ يَنْصَرِفُ عَنْهُ وَهُوَ حَىٌّ فَيُنْزَى فِي ضَرْبِهِ فَيَمُوتُ فَتَكُونُ فِي ذَلِكَ الْقَسَامَةُ . قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا أَنَّهُ يُقْتَلُ فِي الْعَمْدِ الرِّجَالُ الأَحْرَارُ بِالرَّجُلِ الْحُرِّ الْوَاحِدِ وَالنِّسَاءُ بِالْمَرْأَةِ كَذَلِكَ وَالْعَبِيدُ بِالْعَبْدِ كَذَلِكَ .

USC-MSA web (English) reference : Book 43, Hadith 15
Arabic reference : Book 43, Hadith 1595

Yahya related to me from Malik that he had heard that Marwan ibn al-Hakam wrote to Muawiya ibn Abi Sufyan to mention to him that a drunkard was brought to him who had killed a man. Muawiya wrote to him to kill him in retaliation for the dead man.

Yahya said that Malik said, "The best of what I have heard on the interpretation of this ayat, the word of Allah, the Blessed, the Exalted, 'The free man for the free man and the slave for the slave - these are men and the woman for the woman,' (Sura 2 ayat 178) is that retaliation is between women as it is between men. The free woman is killed for the free woman as the free man is killed for the free man. The slave-girl is slain for the slave-girl as the slave is slain for the slave. Retaliation is between women as it is between men. That is because Allah, the Blessed, the Exalted, said in His Book, 'We have written for them in it that it is a life for a life and an eye for an eye, a nose for a nose, and an ear for an ear, and a tooth for a tooth, and for wounds there is retaliation.' (Sura 5 ayat 48) Allah, the Blessed, the Exalted, mentioned that it is a life for a life. It is the life of a free woman for the life of a free man, and her injury for his injury."
Malik said about a man who held a man fast for another man to hit, and he died on the spot, "If he held him and he thought that he meant to kill him, the two of them are both killed for him. If he held him and he thought that he meant to beat him as people sometimes do, and he did not think that he meant to kill him, the murderer is slain and the one who held him is punished with a very severe punishment and jailed for a year. There is no killing against him."
Malik said about a man who murdered a man intentionally or gouged out his eye intentionally, and then was slain or had his eye gouged out himself before retaliation was inflicted on him, "There is no blood-money nor retaliation

against him. The right of the one who was killed or had his eye gouged out goes when the thing which he is claiming as retaliation goes. It is the same with a man who murders another man intentionally and then the murderer dies. When the murderer dies, the one seeking blood-revenge has nothing of blood- money or anything else. That is by the word of Allah, the Blessed the Exalted, 'Retaliation is written for you in killing. The free man for the free man and the slave for the slave.' "
Malik said, "He only has retaliation against the one who killed him. If the man who murdered him dies, he has no retaliation or blood-money."
Malik said, "There is no retaliation held against a free man by a slave for any injury. The slave is killed for the free man when he intentionally murders him. The free man is not slain for the slave, even if he murders him intentionally. It is the best of what I have heard."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ مَرْوَانَ بْنَ الْحَكَمِ، كَتَبَ إِلَى مُعَاوِيَةَ بْنِ أَبِي سُفْيَانَ يَذْكُرُ أَنَّهُ أُتِيَ بِسَكْرَانَ قَدْ قَتَلَ رَجُلاً فَكَتَبَ إِلَيْهِ مُعَاوِيَةُ أَنِ اقْتُلْهُ بِهِ . قَالَ يَحْيَى قَالَ مَالِكٌ أَحْسَنُ مَا سَمِعْتُ فِي تَأْوِيلِ هَذِهِ الآيَةِ قَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى {الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ } فَهَؤُلاَءِ الذُّكُورُ {وَالأُنْثَى بِالأُنْثَى}أَنَّ الْقِصَاصَ يَكُونُ بَيْنَ الإِنَاثِ كَمَا يَكُونُ بَيْنَ الذُّكُورِ وَالْمَرْأَةُ الْحُرَّةُ تُقْتَلُ بِالْمَرْأَةِ الْحُرَّةِ كَمَا يُقْتَلُ الْحُرُّ بِالْحُرِّ وَالأَمَةُ تُقْتَلُ بِالأَمَةِ كَمَا يُقْتَلُ الْعَبْدُ بِالْعَبْدِ وَالْقِصَاصُ يَكُونُ بَيْنَ النِّسَاءِ كَمَا يَكُونُ بَيْنَ الرِّجَالِ وَالْقِصَاصُ أَيْضًا يَكُونُ بَيْنَ الرِّجَالِ وَالنِّسَاءِ وَذَلِكَ أَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَالَ فِي كِتَابِهِ {وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالأَنْفَ بِالأَنْفِ وَالأُذُنَ بِالأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ } فَذَكَرَ اللَّهُ تَبَارَكَ وَتَعَالَى أَنَّ النَّفْسَ بِالنَّفْسِ فَنَفْسُ الْمَرْأَةِ الْحُرَّةِ بِنَفْسِ الرَّجُلِ الْحُرِّ وَجُرْحُهَا بِجُرْحِهِ . قَالَ مَالِكٌ فِي الرَّجُلِ يُمْسِكُ الرَّجُلَ لِلرَّجُلِ فَيَضْرِبُهُ فَيَمُوتُ مَكَانَهُ أَنَّهُ إِنْ أَمْسَكَهُ وَهُوَ يَرَى أَنَّهُ يُرِيدُ قَتْلَهُ قُتِلاَ بِهِ جَمِيعًا وَإِنْ أَمْسَكَهُ وَهُوَ يَرَى أَنَّهُ إِنَّمَا يُرِيدُ الضَّرْبَ مِمَّا يَضْرِبُ بِهِ النَّاسُ لاَ يَرَى أَنَّهُ عَمَدَ لِقَتْلِهِ فَإِنَّهُ يُقْتَلُ الْقَاتِلُ وَيُعَاقَبُ الْمُمْسِكُ أَشَدَّ الْعُقُوبَةِ وَيُسْجَنُ سَنَةً لأَنَّهُ أَمْسَكَهُ وَلاَ يَكُونُ عَلَيْهِ الْقَتْلُ . قَالَ مَالِكٌ فِي الرَّجُلِ يَقْتُلُ الرَّجُلَ عَمْدًا أَوْ يَفْقَأُ عَيْنَهُ عَمْدًا فَيُقْتَلُ الْقَاتِلُ أَوْ تُفْقَأُ عَيْنُ الْفَاقِئِ

USC-MSA web (English) reference : Book 43, Hadith 15
Arabic reference : Book 43, Hadith 1596

Yahya related to me from Malik that he saw whomever he was satisfied with among the people of knowledge say about a man who willed that his murderer be pardoned when he murdered him intentionally, "That is permitted for him. He is more entitled to the man's blood than any of his relatives after him."

Malik said about a man who pardoned murder, after he had claimed his right and it was obliged for him, "There is no blood-money against the murderer unless the one who pardons him stipulates that when he pardons him."
Malik said about the murderer when he was pardoned, "He is flogged one hundred lashes and jailed for a year."
Malik said, "When a man murders intentionally and there is a clear proof of that, and the murdered man has sons and daughters and the sons pardon and the daughters refuse to pardon, the pardon of the sons is permitted in opposition to the daughters and there is no authority for the daughters with the sons in demanding blood and pardoning."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا بَكْرِ بْنَ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ، أَقَادَ مِنْ كَسْرِ الْفَخِذِ .

USC-MSA web (English) reference : Book 43, Hadith 15
Arabic reference : Book 43, Hadith 1597

Yahya said that Malik said, "The generally agreed on way of doing things in our community is that retaliation is taken from someone who breaks someone's hand or foot intentionally and not blood-money."

Malik said, "Retaliation is not inflicted on anyone until the wound of the injured party has healed. Then retaliation is inflicted on him. If the wound of the person on whom the retaliation has been inflicted is like the first person's wound when it heals, it is retaliation. If the wound of the one on whom the retaliation has been inflicted becomes worse or he dies, there is nothing held against the one who has taken retaliation. If the wound of the person on whom the retaliation has been inflicted heals and the injured party is paralysed or his injury has healed but he has a scar, defect, or blemish, the person on whom the retaliation has been inflicted does not have his hand broken again and further retaliation is not taken for his injury."
He said, "But there is blood-money from him according to what he has impaired or maimed of the hand of the injured party. The bodily injury is also like that."
Malik said, "When a man intentionally goes to his wife and gouges out her eye or breaks her hand or cuts off her finger or such like, and does it intentionally, retaliation is inflicted on him. As for a man who strikes his wife with a rope or a whip and hits what he did not mean to hit or does what he did not intend to do, he pays blood-money for what he has struck according to this principle, and retaliation is not inflicted on him."
Yahya related to me from Malik that he had heard that Abu Bakr ibn Muhammd ibn Amr ibn Hazm took retaliation for the breaking of a leg.

USC-MSA web (English) reference : Book 43, Hadith 15

Yahya related to me from Malik from Abu'z-Zinad from Sulayman ibn Yasar that a slave was set free by one of the people on hajj and his master had abandoned the right to inherit from him. The ex-slave then killed a man from the Banu A'idh tribe. An A'idhi, the father of the slain man came to Umar ibn al-Khattab seeking the blood-money of his son. Umar said, "He has no blood-money." The A'idhi said, "What would you think if it had been my son who killed him?" Umar said, "Then you would pay his blood-money." He said, "He is then like the black and white Arqam snake. If it is left, it devours and if it is killed, it takes revenge."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ سَائِبَةً، أَعْتَقَهُ بَعْضُ الْحُجَّاجِ فَقَتَلَ ابْنَ رَجُلٍ مِنْ بَنِي عَائِذٍ فَجَاءَ الْعَائِذِيُّ أَبُو الْمَقْتُولِ إِلَى عُمَرَ بْنِ الْخَطَّابِ يَطْلُبُ دِيَةَ ابْنِهِ فَقَالَ عُمَرُ لاَ دِيَةَ لَهُ . فَقَالَ الْعَائِذِيُّ أَرَأَيْتَ لَوْ قَتَلَهُ ابْنِي فَقَالَ عُمَرُ إِذًا تُخْرِجُونَ دِيَتَهُ فَقَالَ هُوَ إِذًا كَالأَرْقَمِ إِنْ يُتْرَكْ يَلْقَمْ وَإِنْ يُقْتَلْ يَنْقَمْ .

USC-MSA web (English) reference : Book 43, Hadith 15
Arabic reference : Book 43, Hadith 1598

44 - The Oath of Qasama كتاب القسامة

Yahya related to me from Malik from Abu Layla ibn Abdullah ibn Abd ar-Rahman ibn Sahl from Sahl ibn Abi Hathma that some of the great men of his people informed him that Abdullah ibn Sahl and Muhayyisa went out to Khaybar because extreme poverty had overtaken them. Muhayyisa returned and said that Abdullah ibn Sahl had been killed and thrown in a shallow well or spring. The jews came and he said, "By Allah! You have killed him." They said, "By Allah! We have not killed him!" Then he made for his people and mentioned that to them. Then he, his brother Huwayyisa, who was older than him, and Abd ar-Rahman, set out. Muhayyisa began to speak, as he had been at Khaybar. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "The greater first, the greater first," meaning in age. So Huwayyisa spoke and then Muhayyisa spoke. The Messenger of Allah, may Allah bless him and grant him peace, said, "Either they pay your companion's blood-money or we will declare war against them." The Messenger of Allah, may Allah bless him and grant him peace, wrote that to them and they wrote, "By Allah, we did not kill him!" The Messenger of Allah, may Allah bless him and grant him peace, said to Huwayyisa, Muhayyisa, and Abd ar-Rahman, "Do you swear and claim the blood of your companion?" They said, "No." He said, "Shall the jews swear to you?" They said, "But they are not muslims." The Messenger of Allah, may Allah bless him and grant him peace, gave blood-money from his own property, and sent them one hundred camels to their house.
Sahl added, "A red camel among them kicked me."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ أَبِي لَيْلَى بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ سَهْلٍ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ، أَنَّهُ أَخْبَرَهُ رِجَالٌ، مِنْ كُبَرَاءِ قَوْمِهِ أَنَّ عَبْدَ، اللَّهِ بْنَ سَهْلٍ وَمُحَيِّصَةَ خَرَجَا إِلَى خَيْبَرَ مِنْ جَهْدٍ أَصَابَهُمْ فَأُتِيَ مُحَيِّصَةُ فَأُخْبِرَ أَنَّ عَبْدَ اللَّهِ بْنَ سَهْلٍ قَدْ قُتِلَ وَطُرِحَ فِي فَقِيرِ بِئْرٍ أَوْ عَيْنٍ فَأَتَى يَهُودَ فَقَالَ أَنْتُمْ وَاللَّهِ قَتَلْتُمُوهُ . فَقَالُوا وَاللَّهِ مَا قَتَلْنَاهُ . فَأَقْبَلَ حَتَّى قَدِمَ عَلَى قَوْمِهِ فَذَكَرَ لَهُمْ ذَلِكَ ثُمَّ أَقْبَلَ هُوَ وَأَخُوهُ حُوَيِّصَةُ وَهُوَ أَكْبَرُ مِنْهُ وَعَبْدُ الرَّحْمَنِ فَذَهَبَ مُحَيِّصَةُ لِيَتَكَلَّمَ وَهُوَ الَّذِي كَانَ بِخَيْبَرَ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " كَبِّرْ كَبِّرْ " يُرِيدُ السِّنَّ فَتَكَلَّمَ حُوَيِّصَةُ ثُمَّ تَكَلَّمَ مُحَيِّصَةُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِمَّا أَنْ يَدُوا صَاحِبَكُمْ وَإِمَّا أَنْ يُؤْذِنُوا بِحَرْبٍ " . فَكَتَبَ إِلَيْهِمْ رَسُولُ اللَّهِ صلى الله عليه وسلم فِي ذَلِكَ فَكَتَبُوا إِنَّا وَاللَّهِ مَا قَتَلْنَاهُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم لِحُوَيِّصَةَ وَمُحَيِّصَةَ وَعَبْدِ الرَّحْمَنِ " أَتَحْلِفُونَ وَتَسْتَحِقُّونَ دَمَ صَاحِبِكُمْ " . فَقَالُوا لاَ . قَالَ " أَفَتَحْلِفُ لَكُمْ يَهُودُ " قَالُوا لَيْسُوا بِمُسْلِمِينَ . فَوَدَاهُ رَسُولُ اللَّهِ صلى الله عليه وسلم مِنْ عِنْدِهِ فَبَعَثَ إِلَيْهِمْ بِمِائَةِ نَاقَةٍ حَتَّى أُدْخِلَتْ عَلَيْهِمُ الدَّارَ . قَالَ سَهْلٌ لَقَدْ رَكَضَتْنِي مِنْهَا نَاقَةٌ حَمْرَاءُ .

USC-MSA web (English) reference : Book 44, Hadith 1
Arabic reference : Book 44, Hadith 1599

Yahya said from Malik from Yahya ibn Said that Bushayr ibn Yasar informed him that Abdullah ibn Sahl al-Ansari and Muhayyisa ibn Masud went out to Khaybar, and they separated on their various businesses and Abdullah ibn Sahl was killed. Muhayyisa, and his brother Huwayyisa and Abd ar-Rahman ibn Sahl went to the Prophet, may Allah bless him and grant him peace, and Abd ar-Rahman began to speak before his brother. The Messenger of Allah, may Allah bless him and grant him peace, said, "The older first, the older first.

Therefore Huwayyisa and then Muhayyisa spoke and mentioned the affair of Abdullah ibn Sahl. The Messenger of Allah, may Allah bless him and grant him peace, said to them, "Do you swear with fifty oaths and claim the blood-money of your companion or the life of the murderer?" They said, "Messenger of Allah, we did not see it and we were

not present." The Messenger of Allah, may Allah bless him and grant him peace, said, "Will you acquit the jews for fifty oaths?' They said, "Messenger of Allah, how can we accept the oaths of a people who are kafirun?"
Yahya ibn Said said, "Bushayr ibn Yasar claimed that the Messenger of Allah, may Allah bless him and grant him peace, paid the blood-money from his own property."
Malik said, "The generally agreed on way of doing things in our community and that which I heard from whoever I am content with, concerning the oath of qasama, and upon which the past and present imams agree, is that those who claim revenge begin with the oaths and swear. The oath for revenge is only obligatory in two situations. Either the slain person says, 'My blood is against so-and-so,' or the relatives entitled to the blood bring a partial proof of it that is not irrefutable against the one who is the object of the blood-claim. This obliges taking an oath on the part of those who claim the blood against those who are the object of the blood-claim. With us, swearing is only obliged in these two situations."
Malik said, "That is the sunna in which there is no dispute with us and which is still the behaviour of the people. The people who claim blood begin the swearings, whether it is an intentional killing or an accident."
Malik said, "The Messenger of Allah, may Allah bless him and grant him peace, began with Banu Harith in the case of the killing of their kinsman murdered at Khaybar."
Malik said, "If those who make the claim swear, they deserve the blood of their kinsman and whoever they swear against is slain. Only one man can be killed in the qasama. Two cannot be killed in it. Fifty men from the blood-relatives must swear fifty oaths. If their number is less or some of them draw back, they can repeat their oaths, unless one of the relatives of the murdered man who deserves blood and who is permitted to pardon it, draws back. If one of these draws back, there is no way to revenge."
Yahya said that Malik said, "The oaths can be made by those of them who remain if one of them draws back who is not permitted to pardon. If one of the blood-relatives draws back who is permitted to pardon, even if he is only one, more oaths can not be made after that by the blood- relatives. If that occurs, the oaths can be on behalf of the one against whom the claim is made. So fifty of the men of his people swear fifty oaths. If there are not fifty men, more oaths can be made by those of them who already swore. If there is only the defendant, he swears fifty oaths and is acquitted."
Yahya said that Malik said, "One distinguishes between swearing for blood and oaths for one's rights. When a man has a money-claim against another man, he seeks to verify his due. When a man wants to kill another man, he does not kill him in the midst of people. He keeps to a place away from people. Had there only been swearing in cases where there is a clear proof and had one acted in it as one acts about one's rights (i.e. needing witnesses), the right of blood retribution would have been lost and people would have been swift to take advantage of it when they learned of the decision on it. However, the relatives of the murdered man were allowed to initiate swearing so that people might restrain themselves from blood and the murderer might beware lest he was put into a situation like that (i.e. qasama) by the statement of the murdered man.' "
Yahya said, "Malik said about a people of whom a certain number are suspected of murder and the relatives of the murdered man ask them to take oaths and they are numerous, so they ask that each man swears fifty oaths on his own behalf. The oaths are not divided out between them according to their number and they are not acquitted unless each man among them swears fifty oaths on his own behalf."
Malik said, "This is the best I have heard about the matter."
He said, "Swearing goes to the paternal relatives of the slain. They are the blood-relatives who swear against the killer and by whose swearing he is killed."

قَالَ يَحْيَى عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، أَنَّهُ أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ بْنَ سَهْلٍ الأَنْصَارِيَّ وَمُحَيِّصَةَ بْنَ مَسْعُودٍ خَرَجَا إِلَى خَيْبَرَ فَتَفَرَّقَا فِي حَوَائِجِهِمَا فَقُتِلَ عَبْدُ اللَّهِ بْنُ سَهْلٍ فَقَدِمَ مُحَيِّصَةُ فَأَتَى هُوَ وَأَخُوهُ حُوَيِّصَةُ وَعَبْدُ الرَّحْمَنِ بْنُ سَهْلٍ إِلَى النَّبِيِّ صلى الله عليه وسلم فَذَهَبَ عَبْدُ الرَّحْمَنِ لِيَتَكَلَّمَ لِمَكَانِهِ مِنْ أَخِيهِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " كَبِّرْ كَبِّرْ " . فَتَكَلَّمَ

حُوَيِّصَةُ وَمُحَيِّصَةُ فَذَكَرَا شَأْنَ عَبْدِ اللَّهِ بْنِ سَهْلٍ . فَقَالَ لَهُمْ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَتَحْلِفُونَ خَمْسِينَ يَمِينًا وَتَسْتَحِقُّونَ دَمَ صَاحِبِكُمْ أَوْ قَاتِلِكُمْ " . قَالُوا يَا رَسُولَ اللَّهِ لَمْ نَشْهَدْ وَلَمْ نَحْضُرْ . فَقَالَ لَهُمْ رَسُولُ اللَّهِ صلى الله عليه وسلم " فَتُبْرِئُكُمْ يَهُودُ بِخَمْسِينَ يَمِينًا " . فَقَالُوا يَا رَسُولَ اللَّهِ كَيْفَ نَقْبَلُ أَيْمَانَ قَوْمٍ كُفَّارٍ قَالَ يَحْيَى بْنُ سَعِيدٍ فَزَعَمَ بُشَيْرُ بْنُ يَسَارٍ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم وَدَاهُ مِنْ عِنْدِهِ . قَالَ مَالِكٌ الأَمْرُ الْمُجْتَمَعُ عَلَيْهِ عِنْدَنَا وَالَّذِي سَمِعْتُ مِمَّنْ أَرْضَى فِي الْقَسَامَةِ وَالَّذِي اجْتَمَعَتْ عَلَيْهِ الأَئِمَّةُ فِي الْقَدِيمِ وَالْحَدِيثِ أَنْ يَبْدَأَ بِالأَيْمَانِ الْمُدَّعُونَ فِي الْقَسَامَةِ فَيَحْلِفُونَ وَأَنَّ الْقَسَامَةَ لاَ تَجِبُ إِلاَّ بِأَحَدِ أَمْرَيْنِ إِمَّا أَنْ يَقُولَ الْمَقْتُولُ دَمِي عِنْدَ فُلاَنٍ أَوْ يَأْتِيَ وُلاَةُ الدَّمِ بِلَوْثٍ مِنْ بَيِّنَةٍ وَإِنْ لَمْ تَكُنْ قَاطِعَةً عَلَى الَّذِي يُدَّعَى عَلَيْهِ الدَّمُ فَهَذَا يُوجِبُ الْقَسَامَةَ لِلْمُدَّعِينَ الدَّمَ عَلَى مَنِ ادَّعَوْهُ عَلَيْهِ وَلاَ تَجِبُ الْقَسَامَةُ عِنْدَنَا إِلاَّ بِأَحَدِ هَذَيْنِ الْوَجْهَيْنِ . قَالَ مَالِكٌ وَتِلْكَ السُّنَّةُ الَّتِي لاَ اخْتِلاَفَ فِيهَا عِنْدَنَا وَالَّذِي لَمْ يَزَلْ عَلَيْهِ عَمَلُ النَّاسِ أَنَّ الْمُبَدَّئِينَ بِالْقَسَامَةِ أَهْلُ الدَّمِ وَالَّذِينَ يَدَّعُونَهُ فِي الْعَمْدِ وَالْخَطَإِ . قَالَ مَالِكٌ وَقَدْ بَدَّأَ رَسُولُ اللَّهِ صلى الله عليه وسلم الْحَارِثِيِّينَ فِي قَتْلِ صَاحِبِهِمُ الَّذِي قُتِلَ بِخَيْبَرَ . قَالَ مَالِكٌ فَإِنْ حَلَفَ الْمُدَّعُونَ اسْتَحَقُّوا دَمَ صَاحِبِهِمْ وَقَتَلُوا مَنْ حَلَفُوا عَلَيْهِ وَلاَ يُقْتَلُ فِي الْقَسَامَةِ إِلاَّ وَاحِدٌ لاَ يُقْتَلُ فِيهَا اثْنَانِ يَحْلِفُ مِنْ وُلاَةِ الدَّمِ خَمْسُونَ رَجُلاً خَمْسِينَ يَمِينًا فَإِنْ قَلَّ عَدَدُهُمْ أَوْ نَكَلَ بَعْضُهُمْ رُدَّتِ الأَيْمَانُ عَلَيْهِمْ إِلاَّ أَنْ يَنْكُلَ أَحَدٌ مِنْ وُلاَةِ الْمَقْتُولِ وُلاَةِ الدَّمِ الَّذِينَ يَجُوزُ لَهُمُ الْعَفْوُ عَنْهُ فَإِنْ نَكَلَ أَحَدٌ مِنْ أُولَئِكَ فَلاَ سَبِيلَ إِلَى الدَّمِ إِذَا نَكَلَ أَحَدٌ مِنْهُمْ . قَالَ يَحْيَى قَالَ مَالِكٌ وَإِنَّمَا تُرَدُّ الأَيْمَانُ عَلَى مَنْ بَقِيَ مِنْهُمْ إِذَا نَكَلَ أَحَدٌ مِمَّنْ لاَ يَجُوزُ لَهُ عَفْوٌ فَإِنْ نَكَلَ أَحَدٌ مِنْ وُلاَةِ الدَّمِ الَّذِينَ يَجُوزُ لَهُمُ الْعَفْوُ عَنِ الدَّمِ وَإِنْ كَانَ وَاحِدًا فَإِنَّ الأَيْمَانَ لاَ تُرَدُّ عَلَى مَنْ بَقِيَ مِنْ وُلاَةِ الدَّمِ إِذَا نَكَلَ أَحَدٌ مِنْهُمْ عَنِ الأَيْمَانِ وَلَكِنِ الأَيْمَانُ إِذَا كَانَ ذَلِكَ تُرَدُّ عَلَى الْمُدَّعَى عَلَيْهِمْ فَيَحْلِفُ مِنْهُمْ خَمْسُونَ رَجُلاً خَمْسِينَ يَمِينًا فَإِنْ لَمْ يَبْلُغُوا خَمْسِينَ رَجُلاً رُدَّتِ الأَيْمَانُ عَلَى مَنْ حَلَفَ مِنْهُمْ فَإِنْ لَمْ يُوجَدْ أَحَدٌ إِلاَّ الَّذِي ادُّعِيَ عَلَيْهِ حَلَفَ هُوَ خَمْسِينَ يَمِينًا وَبَرِئَ . قَالَ يَحْيَى قَالَ مَالِكٌ وَإِنَّمَا فُرِقَ بَيْنَ الْقَسَامَةِ فِي الدَّمِ وَالأَيْمَانِ فِي الْحُقُوقِ أَنَّ الرَّجُلَ إِذَا دَايَنَ الرَّجُلَ اسْتَثْبَتَ عَلَيْهِ فِي حَقِّهِ وَأَنَّ الرَّجُلَ إِذَا أَرَادَ قَتْلَ الرَّجُلِ لَمْ يَقْتُلْهُ فِي جَمَاعَةٍ مِنَ النَّاسِ وَإِنَّمَا يَلْتَمِسُ الْخَلْوَةَ . قَالَ فَلَوْ لَمْ تَكُنِ الْقَسَامَةُ إِلاَّ فِيمَا تَثْبُتُ فِيهِ الْبَيِّنَةُ وَلَوْ عُمِلَ فِيهَا كَمَا يُعْمَلُ فِي الْحُقُوقِ هَلَكَتِ الدِّمَاءُ وَاجْتَرَأَ النَّاسُ عَلَيْهَا إِذَا عَرَفُوا الْقَضَاءَ فِيهَا وَلَكِنْ إِنَّمَا جُعِلَتِ الْقَسَامَةُ إِلَى وُلاَةِ الْمَقْتُولِ يُبَدَّءُونَ بِهَا فِيهَا لِيَكُفَّ النَّاسُ عَنِ الدَّمِ وَلِيَحْذَرَ الْقَاتِلُ أَنْ يُؤْخَذَ فِي مِثْلِ ذَلِكَ بِقَوْلِ الْمَقْتُولِ . قَالَ يَحْيَى وَقَدْ قَالَ مَالِكٌ فِي الْقَوْمِ يَكُونُ لَهُمُ الْعَدُوُّ يُتَّهَمُونَ بِالدَّمِ فَيَرُدُّ وُلاَةُ الْمَقْتُولِ الأَيْمَانَ عَلَيْهِمْ وَهُمْ نَفَرٌ لَهُمْ عَدَدٌ أَنَّهُ يَحْلِفُ كُلُّ إِنْسَانٍ مِنْهُمْ عَنْ نَفْسِهِ خَمْسِينَ يَمِينًا وَلاَ تُقْطَعُ الأَيْمَانُ عَلَيْهِمْ بِقَدْرِ عَدَدِهِمْ وَلاَ يَبْرَءُونَ دُونَ أَنْ يَحْلِفَ كُلُّ إِنْسَانٍ عَنْ نَفْسِهِ خَمْسِينَ يَمِينًا . قَالَ مَالِكٌ وَهَذَا أَحْسَنُ مَا سَمِعْتُ فِي ذَلِكَ . قَالَ وَالْقَسَامَةُ تَصِيرُ إِلَى عَصَبَةِ الْمَقْتُولِ وَهُمْ وُلاَةُ الدَّمِ الَّذِينَ يَقْسِمُونَ عَلَيْهِ وَالَّذِينَ يُقْتَلُ بِقَسَامَتِهِمْ .

USC-MSA web (English) reference : Book 44, Hadith 2
Arabic reference : Book 44, Hadith 1600

Yahya said that Malik said, "The way of doing things in our community about which there is no dispute is that women do not swear in the swearing for the intentional act. If the murdered man only has female relatives, the women have no right to swear for blood and no pardon in murder."

Yahya said that Malik said about a man who is murdered, "If the paternal relatives of the murdered man or his mawali say, 'We swear and we demand our companion's blood,' that is their right."
Malik said, "If the women want to pardon him, they cannot do that. The paternal relatives and mawali are entitled to do that more than them because they are the ones who demand blood and swear for it."
Malik said, "If the paternal relatives or mawali pardon after they demand blood and the women refuse and say, 'We will not abandon our right against the murderer of our companion,' the women are more entitled to that because whoever takes retaliation is more entitled than the one who leaves it among the women and paternal relatives when the murder is established and killing obliged."
Malik said, "At least two claimants must swear in murder. The oaths are repeated by them until they swear fifty oaths, then they have the right to blood. That is how things are done in our community."
Malik said, "When people beat a man and he dies in their hands, they are all slain for him. If he dies after their beating, there is swearing. If there is swearing, it is only against one man and only he is slain. We have never known the swearing to be against more than one man."
Malik spoke about a slave who had his hand or foot broken and then the break mended . He said, "The one who injured him is not obliged to pay anything. If that break causes him loss or scar, the one who injured him must pay according to what he diminished of the value of the slave."
Malik said, "What is done in our community about retaliation between slaves is that it is like retaliation between freemen. The life of the slave-girl for the life of the slave, and her injury for his injury. When a slave intentionally kills a slave, the master of the murdered slave has a choice. If he wishes, he kills him, and if he wishes, he takes the blood-money. If he takes the blood-money, he takes the value of his slave. If the owner of the slave who killed wishes to give the value of the murdered slave, he does it. If he wishes, he surrenders his slave. If he surrenders him, he is not obliged to do anything other than that. When the owner of the murdered slave takes the slave who murdered and is satisifed with him, he must not kill him. All retaliations between slaves for cutting off of the hand and foot and such things are dealt with in the same way as in the murder."
Malik said about a muslim slave who injures a jew or christian, "If the master of the slave wishes to pay blood-money for him according to the injury, he does it. Or else he surrenders him and he is sold, and the jew or christian is given the blood-money of the injury or all the price of the slave if the blood-money is greater than his price. The jew or christian is not given a muslim slave."

قَالَ يَحْيَى قَالَ مَالِكٌ الأَمْرُ الَّذِي لاَ اخْتِلاَفَ فِيهِ عِنْدَنَا أَنَّهُ لاَ يَحْلِفُ فِي الْقَسَامَةِ فِي الْعَمْدِ أَحَدٌ مِنَ النِّسَاءِ وَإِنْ لَمْ يَكُنْ لِلْمَقْتُولِ وُلاَةٌ إِلاَّ النِّسَاءُ فَلَيْسَ لِلنِّسَاءِ فِي قَتْلِ الْعَمْدِ قَسَامَةٌ وَلاَ عَفْوٌ . قَالَ يَحْيَى قَالَ مَالِكٌ فِي الرَّجُلِ يُقْتَلُ عَمْدًا أَنَّهُ إِذَا قَامَ عَصَبَةُ الْمَقْتُولِ أَوْ مَوَالِيهِ فَقَالُوا نَحْنُ نَحْلِفُ وَنَسْتَحِقُّ دَمَ صَاحِبِنَا . فَذَلِكَ لَهُمْ . قَالَ مَالِكٌ فَإِنْ أَرَادَ النِّسَاءُ أَنْ يَعْفُونَ عَنْهُ فَلَيْسَ ذَلِكَ لَهُنَّ الْعَصَبَةُ وَالْمَوَالِي . أَوْلَى بِذَلِكَ مِنْهُنَّ لأَنَّهُمْ هُمُ الَّذِينَ اسْتَحَقُّوا الدَّمَ وَحَلَفُوا عَلَيْهِ . قَالَ مَالِكٌ وَإِنْ عَفَتِ الْعَصَبَةُ أَوِ الْمَوَالِي بَعْدَ أَنْ يَسْتَحِقُّوا الدَّمَ وَأَبَى النِّسَاءُ وَقُلْنَ لاَ نَدَعُ قَاتِلَ صَاحِبِنَا فَهُنَّ أَحَقُّ وَأَوْلَى بِذَلِكَ لأَنَّ مَنْ أَخَذَ الْقَوَدَ أَحَقُّ مِمَّنْ تَرَكَهُ مِنَ النِّسَاءِ وَالْعَصَبَةِ إِذَا ثَبَتَ الدَّمُ وَوَجَبَ الْقَتْلُ . قَالَ مَالِكٌ لاَ يُقْسِمُ فِي قَتْلِ الْعَمْدِ مِنَ الْمُدَّعِينَ إِلاَّ اثْنَانِ فَصَاعِدًا تُرَدَّدُ الأَيْمَانُ عَلَيْهِمَا حَتَّى يَحْلِفَا خَمْسِينَ يَمِينًا ثُمَّ قَدِ اسْتَحَقَّا الدَّمَ وَذَلِكَ الأَمْرُ عِنْدَنَا . قَالَ مَالِكٌ وَإِذَا ضَرَبَ النَّفَرُ الرَّجُلَ حَتَّى يَمُوتَ تَحْتَ أَيْدِيهِمْ قُتِلُوا بِهِ جَمِيعًا فَإِنْ هُوَ مَاتَ بَعْدَ ضَرْبِهِمْ كَانَتِ الْقَسَامَةُ وَإِذَا كَانَتِ الْقَسَامَةُ لَمْ تَكُنْ إِلاَّ عَلَى رَجُلٍ وَاحِدٍ وَلَمْ يُقْتَلْ غَيْرُهُ وَلَمْ نَعْلَمْ قَسَامَةً كَانَتْ قَطُّ إِلاَّ عَلَى رَجُلٍ وَاحِدٍ .

USC-MSA web (English) reference : Book 44, Hadith 2
Arabic reference : Book 44, Hadith 1600

Yahya said that Malik said, "The way of doing things in our community about Yahya said that Malik said, "The procedure in swearing in manslaughter is that those who claim blood swear and it becomes due by their swearing. They swear fifty oaths, and there is blood-money for them according to the division of their inheritances. If it is not possible to divide up the oaths which they swear between them evenly, one looks to the one who has most of those oaths against him, and that oath is obliged against him."

Malik said, "If the slain man only has female heirs, they swear and take the blood-money. If he only has one male heir, he swears fifty oaths and takes the blood-money. That is only in the accidental killing, not in the intentional one."

قَالَ يَحْيَى قَالَ مَالِكٌ الْقَسَامَةُ فِي قَتْلِ الْخَطَإِ يُقْسِمُ الَّذِينَ يَدَّعُونَ الدَّمَ وَيَسْتَحِقُّونَهُ بِقَسَامَتِهِمْ يَحْلِفُونَ خَمْسِينَ يَمِينًا تَكُونُ عَلَى قَسْمِ مَوَارِيثِهِمْ مِنَ الدِّيَةِ فَإِنْ كَانَ فِي الأَيْمَانِ كُسُورٌ إِذَا قُسِمَتْ بَيْنَهُمْ نُظِرَ إِلَى الَّذِي يَكُونُ عَلَيْهِ أَكْثَرُ تِلْكَ الأَيْمَانِ إِذَا قُسِمَتْ فَتُجْبَرُ عَلَيْهِ تِلْكَ الْيَمِينُ . قَالَ مَالِكٌ فَإِنْ لَمْ يَكُنْ لِلْمَقْتُولِ وَرَثَةٌ إِلاَّ النِّسَاءُ فَإِنَّهُنَّ يَحْلِفْنَ وَيَأْخُذْنَ الدِّيَةَ فَإِنْ لَمْ يَكُنْ لَهُ وَارِثٌ إِلاَّ رَجُلٌ وَاحِدٌ حَلَفَ خَمْسِينَ يَمِينًا وَأَخَذَ الدِّيَةَ وَإِنَّمَا يَكُونُ ذَلِكَ فِي قَتْلِ الْخَطَإِ وَلاَ يَكُونُ فِي قَتْلِ الْعَمْدِ .

USC-MSA web (English) reference : Book 44, Hadith 2
Arabic reference : Book 44, Hadith 1600

Yahya said that Malik said, "When the relatives of the deceased accept the blood-money then it is inherited according to the Book of Allah. Daughters of the dead man inherit and so do sisters, and whichever women would inherit from him ordinarily.

If the women do not take all his inheritance, then what remains goes to the agnatic relations who most deserve to inherit from him in conjunction with the women."
Malik said, "When one of the heirs of a man killed by mistake attempts to take his due from the blood-money while his companions are absent, he may not do that, and he has no right to any of the blood-money, however large or small, unless the qasama has been completed by him. If he swears fifty oaths then he has the right to his portion of the blood-money. That is because the blood-money is not established as due without there being fifty oaths, and the blood- money is not established as due unless the responsibility for the blood is established. If any one of the heirs comes after that he swears a number of the oaths commensurate with his fraction of the inheritance and takes his right until all the heirs exact their complete right. If a maternal uncle comes he has one sixth and must swear one sixth of the fifty oaths. So whoever swears may take his due from the blood-money and whoever abstains annuls his right. If one of the heirs is absent or is a child who has not reached puberty, those who are present swear fifty oaths and if the one who was absent comes after that or the child reaches puberty, they swear. and they swear according to their due of the blood-money and according to their shares of inheritance from it."
Yahya said that Malik said, "This is the best I have heard on the matter."

قَالَ يَحْيَى قَالَ مَالِكٌ إِذَا قَبِلَ وُلاَةُ الدَّمِ الدِّيَةَ فَهِيَ مَوْرُوثَةٌ عَلَى كِتَابِ اللَّهِ يَرِثُهَا بَنَاتُ الْمَيِّتِ وَأَخَوَاتُهُ وَمَنْ يَرِثُهُ مِنَ النِّسَاءِ فَإِنْ لَمْ يُحْرِزِ النِّسَاءُ مِيرَاثَهُ كَانَ مَا بَقِيَ مِنْ دِيَتِهِ لأَوْلَى النَّاسِ بِمِيرَاثِهِ مَعَ النِّسَاءِ . قَالَ مَالِكٌ إِذَا قَامَ بَعْضُ وَرَثَةِ الْمَقْتُولِ الَّذِي يُقْتَلُ خَطَأً يُرِيدُ أَنْ يَأْخُذَ مِنَ الدِّيَةِ بِقَدْرِ حَقِّهِ مِنْهَا وَأَصْحَابُهُ غَيَبٌ لَمْ يَأْخُذْ ذَلِكَ وَلَمْ يَسْتَحِقَّ مِنَ الدِّيَةِ شَيْئًا قَلَّ وَلاَ كَثُرَ دُونَ أَنْ يَسْتَكْمِلَ الْقَسَامَةَ يَحْلِفُ خَمْسِينَ يَمِينًا فَإِنْ حَلَفَ خَمْسِينَ يَمِينًا اسْتَحَقَّ حِصَّتَهُ مِنَ الدِّيَةِ وَذَلِكَ أَنَّ الدَّمَ لاَ يَثْبُتُ إِلاَّ بِخَمْسِينَ يَمِينًا وَلاَ تَثْبُتُ الدِّيَةُ حَتَّى يَثْبُتَ الدَّمُ فَإِنْ جَاءَ بَعْدَ ذَلِكَ مِنَ الْوَرَثَةِ أَحَدٌ حَلَفَ مِنَ الْخَمْسِينَ يَمِينًا بِقَدْرِ مِيرَاثِهِ وَأَخَذَ حَقَّهُ حَتَّى يَسْتَكْمِلَ الْوَرَثَةُ حُقُوقَهُمْ إِنْ جَاءَ أَخٌ لأُمٍّ فَلَهُ السُّدُسُ وَعَلَيْهِ مِنَ الْخَمْسِينَ يَمِينًا السُّدُسُ فَمَنْ حَلَفَ اسْتَحَقَّ مِنَ الدِّيَةِ وَمَنْ نَكَلَ بَطَلَ

حَقُّهُ وَإِنْ كَانَ بَعْضُ الْوَرَثَةِ غَائِبًا أَوْ صَبِيًّا لَمْ يَبْلُغْ حَلَفَ الَّذِينَ حَضَرُوا خَمْسِينَ يَمِينًا فَإِنْ جَاءَ الْغَائِبُ بَعْدَ ذَلِكَ أَوْ بَلَغَ الصَّبِيُّ الْحُلُمَ حَلَفَ كُلٌّ مِنْهُمَا يَحْلِفُونَ عَلَى قَدْرِ حُقُوقِهِمْ مِنَ الدِّيَةِ وَعَلَى قَدْرِ مَوَارِيثِهِمْ مِنْهَا . قَالَ يَحْيَى قَالَ مَالِكٌ وَهَذَا أَحْسَنُ مَا سَمِعْتُ .

USC-MSA web (English) reference : Book 44, Hadith 2
Arabic reference : Book 44, Hadith 1600

Yahya said that Malik said, "What is done in our community about slaves is that when a slave is struck intentionally or accidentally and the master brings a witness, he swears with his witness one oath and then he has the value of the slave. There is no swearing for revenge in slaves, accidentally or intentionally, and I have not heard any of the people of knowledge say that there was."

Malik said, "If a slave is killed intentionally or accidentally, the master of the slave who is slain has no swearing or oath. The master cannot demand his right except with a fair proof or a witness if he swears with one witness."
Yahya said that Malik said, "This is the best of what I have heard on the matter."
قَالَ يَحْيَى قَالَ مَالِكٌ الأَمْرُ عِنْدَنَا فِي الْعَبِيدِ أَنَّهُ إِذَا أُصِيبَ الْعَبْدُ عَمْدًا أَوْ خَطَأً ثُمَّ جَاءَ سَيِّدُهُ بِشَاهِدٍ حَلَفَ مَعَ شَاهِدِهِ يَمِينًا وَاحِدَةً ثُمَّ كَانَ لَهُ قِيمَةُ عَبْدِهِ وَلَيْسَ فِي الْعَبِيدِ قَسَامَةٌ فِي عَمْدٍ وَلاَ خَطَإٍ وَلَمْ أَسْمَعْ أَحَدًا مِنْ أَهْلِ الْعِلْمِ قَالَ ذَلِكَ . قَالَ مَالِكٌ فَإِنْ قُتِلَ الْعَبْدُ عَمْدًا أَوْ خَطَأً لَمْ يَكُنْ عَلَى سَيِّدِ الْعَبْدِ الْمَقْتُولِ قَسَامَةٌ وَلاَ يَمِينٌ وَلاَ يَسْتَحِقُّ سَيِّدُهُ ذَلِكَ إِلاَّ بِبَيِّنَةٍ عَادِلَةٍ أَوْ بِشَاهِدٍ فَيَحْلِفُ مَعَ شَاهِدِهِ . قَالَ يَحْيَى قَالَ مَالِكٌ وَهَذَا أَحْسَنُ مَا سَمِعْتُ .

USC-MSA web (English) reference : Book 44, Hadith 2
Arabic reference : Book 44, Hadith 1600

45 - Madina كتاب الْمَدِينَةِ

Yahya ibn Yahya related to me from Ishaq ibn Abdullah ibn Abi Talha al-Ansari from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, said, "O Allah! Bless them in their measure, and bless them in their sa and mudd." He meant the people of Madina.

وَحَدَّثَنِي يَحْيَى بْنُ يَحْيَى، قَالَ حَدَّثَنِي مَالِكٌ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ الأَنْصَارِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " اللَّهُمَّ بَارِكْ لَهُمْ فِي مِكْيَالِهِمْ وَبَارِكْ لَهُمْ فِي صَاعِهِمْ وَمُدِّهِمْ " . يَعْنِي أَهْلَ الْمَدِينَةِ .

USC-MSA web (English) reference : Book 45, Hadith 1
Arabic reference : Book 45, Hadith 1601

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father that Abu Hurayra said, "When people saw the first fruits of the season, they brought them to the Messenger of Allah, may Allah bless him and grant him peace. The Messenger of Allah, may Allah bless him and grant him peace, took them and said, 'O Allah! Bless us in our fruits. Bless us in our city. Bless us in our sa and bless us in our mudd. O Allah! Ibrahim is Your slave, Your Khalil and Your Prophet. I am Your slave and Your Prophet. He prayed to You for Makka. I pray to You for Madina for the like of what He prayed to You for Makka, and the like of it with it.' Then he called the smallest child he saw and gave him the fruits."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ كَانَ النَّاسُ إِذَا رَأَوْا أَوَّلَ الثَّمَرِ جَاءُوا بِهِ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَإِذَا أَخَذَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم قَالَ " اللَّهُمَّ بَارِكْ لَنَا فِي ثَمَرِنَا وَبَارِكْ لَنَا فِي مَدِينَتِنَا وَبَارِكْ لَنَا فِي صَاعِنَا وَبَارِكْ لَنَا فِي مُدِّنَا اللَّهُمَّ إِنَّ إِبْرَاهِيمَ عَبْدُكَ وَخَلِيلُكَ وَنَبِيُّكَ وَإِنِّي عَبْدُكَ وَنَبِيُّكَ وَإِنَّهُ دَعَاكَ لِمَكَّةَ وَإِنِّي أَدْعُوكَ لِلْمَدِينَةِ بِمِثْلِ مَا دَعَاكَ بِهِ لِمَكَّةَ وَمِثْلِهِ مَعَهُ " . ثُمَّ يَدْعُو أَصْغَرَ وَلِيدٍ يَرَاهُ فَيُعْطِيهِ ذَلِكَ الثَّمَرَ .

USC-MSA web (English) reference : Book 45, Hadith 2
Arabic reference : Book 45, Hadith 1602

Yahya related to me from Malik from Qatan ibn Wahb ibn Umayr ibn al-Ajda that Yuhannas, the mawla of az-Zubayr ibn al-Awwam informed him that he was sitting with Abdullah ibn Umar during the troubles (at the time of al-Hajaj ibn Yusuf) . A female mawla of his came and greeted him. She said, "I want to leave, Abu Abd ar-Rahman. The time is harsh for us." Abdullah ibn Umar said to her, "Sit down, O you with little knowledge, for I have heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'No one will be patient in hunger and hardship in it (Madina) except that I will be a witness or intercede for him on the Day of Rising.' "

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ قَطَنِ بْنِ وَهْبِ بْنِ عُمَيْرِ بْنِ الأَجْدَعِ، أَنْ يُحَنِّسَ، مَوْلَى الزُّبَيْرِ بْنِ الْعَوَّامِ أَخْبَرَهُ أَنَّهُ، كَانَ جَالِسًا عِنْدَ عَبْدِ اللَّهِ بْنِ عُمَرَ فِي الْفِتْنَةِ فَأَتَتْهُ مَوْلاَةٌ لَهُ تُسَلِّمُ عَلَيْهِ فَقَالَتْ إِنِّي أَرَدْتُ الْخُرُوجَ يَا أَبَا عَبْدِ الرَّحْمَنِ اشْتَدَّ عَلَيْنَا الزَّمَانُ . فَقَالَ لَهَا عَبْدُ اللَّهِ بْنُ عُمَرَ اقْعُدِي لُكَعُ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " لاَ يَصْبِرُ عَلَى لأْوَائِهَا وَشِدَّتِهَا أَحَدٌ إِلاَّ كُنْتُ لَهُ شَفِيعًا أَوْ شَهِيدًا يَوْمَ الْقِيَامَةِ " .

USC-MSA web (English) reference : Book 45, Hadith 3
Arabic reference : Book 45, Hadith 1603

Yahya related to me from Malik from Muhammad ibn al-Munkadir from Jabir ibn Abdullah that a Bedouin took an oath of allegiance in Islam with the Messenger of Allah, may Allah bless him and grant him peace. A fever befell the Bedouin at Madina. He came to the Messenger of Allah, and said, "Messenger of Allah, release me from my pledge." The Messenger of Allah, may Allah bless him and grant him peace, refused. Then he came to him again and said, "Release me from my pledge." The Messenger of Allah may Allah bless him and grant him peace, refused. Then he came again and said, "Release me from my pledge." He refused. Then he came again and said, "Release me from my pledge." He refused. The Bedouin left and the Messenger of Allah, may Allah bless him and grant him peace, said, "Madina is like the blacksmith's furnace. It removes the impurities and purifies the good."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّ أَعْرَابِيًّا، بَايَعَ رَسُولَ اللَّهِ صلى الله عليه وسلم عَلَى الإِسْلاَمِ فَأَصَابَ الأَعْرَابِيَّ وَعْكٌ بِالْمَدِينَةِ فَأَتَى رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ أَقِلْنِي بَيْعَتِي . فَأَبَى رَسُولُ اللَّهِ صلى الله عليه وسلم ثُمَّ جَاءَهُ فَقَالَ أَقِلْنِي بَيْعَتِي . فَأَبَى ثُمَّ جَاءَهُ فَقَالَ أَقِلْنِي بَيْعَتِي . فَأَبَى فَخَرَجَ الأَعْرَابِيُّ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّمَا الْمَدِينَةُ كَالْكِيرِ تَنْفِي خَبَثَهَا وَيَنْصَعُ طِيبُهَا " .

USC-MSA web (English) reference : Book 45, Hadith 4
Arabic reference : Book 45, Hadith 1604

Malik related to me that Yahya ibn Said said, "I heard Abu'l-Hubab Said ibn Yasar say that he heard Abu Hurayra say that he heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'I was ordered to a town which will eat up towns. They used to say, 'Yathrib,' but it is Madina. It removes the bad people like the blacksmith's furnace removes impurities from the iron.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ سَمِعْتُ أَبَا الْحُبَابِ، سَعِيدَ بْنَ يَسَارٍ يَقُولُ سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " أُمِرْتُ بِقَرْيَةٍ تَأْكُلُ الْقُرَى يَقُولُونَ يَثْرِبُ . وَهِيَ الْمَدِينَةُ تَنْفِي النَّاسَ كَمَا يَنْفِي الْكِيرُ خَبَثَ الْحَدِيدِ " .

USC-MSA web (English) reference : Book 45, Hadith 5
Arabic reference : Book 45, Hadith 1605

Malik related to me from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "No one leaves Madina preferring to live elsewhere, but that Allah will give it better than him in place of him ."

وَحَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَخْرُجُ أَحَدٌ مِنَ الْمَدِينَةِ رَغْبَةً عَنْهَا إِلاَّ أَبْدَلَهَا اللَّهُ خَيْرًا مِنْهُ " .

USC-MSA web (English) reference : Book 45, Hadith 6
Arabic reference : Book 45, Hadith 1606

Malik related to me from Hisham ibn Urwa from his father from Abdullah ibn az-Zubayr that Sufyan ibn Abi Zuhayr said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Yemen will be conquered and the people will be attracted to it, taking their families and whoever obeys them. Madina would have been better for them, had they but known. Ash-Sham will be conquered and people will be attracted to it, taking their families and whoever obeys them. Madina would have been better for them, had they but known. Iraq will be conquered and people will be attracted to it, taking their families and whoever obeys them. Madina would have been better for them, had they but known.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ سُفْيَانَ بْنِ أَبِي زُهَيْرٍ، أَنَّهُ قَالَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " تُفْتَحُ الْيَمَنُ فَيَأْتِي قَوْمٌ يَبِسُّونَ فَيَتَحَمَّلُونَ بِأَهْلِيهِمْ وَمَنْ أَطَاعَهُمْ وَالْمَدِينَةُ خَيْرٌ لَهُمْ لَوْ كَانُوا يَعْلَمُونَ وَتُفْتَحُ الشَّامُ فَيَأْتِي قَوْمٌ يَبِسُّونَ فَيَتَحَمَّلُونَ بِأَهْلِيهِمْ وَمَنْ أَطَاعَهُمْ وَالْمَدِينَةُ خَيْرٌ لَهُمْ لَوْ كَانُوا يَعْلَمُونَ وَتُفْتَحُ الْعِرَاقُ فَيَأْتِي قَوْمٌ يَبِسُّونَ فَيَتَحَمَّلُونَ بِأَهْلِيهِمْ وَمَنْ أَطَاعَهُمْ وَالْمَدِينَةُ خَيْرٌ لَهُمْ لَوْ كَانُوا يَعْلَمُونَ " .

USC-MSA web (English) reference : Book 45, Hadith 7
Arabic reference : Book 45, Hadith 1607

Yahya related to me from Malik from Ibn Himas from his paternal uncle from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Madina will be left in the best way that it is until a dog or wolf enters it and urinates on one of the pillars of the mosque or on the mimbar." They asked, "Messenger of Allah! Who will have the fruit at that time?" He replied, "Animals seeking food, birds and wild beasts."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنِ ابْنِ حِمَاسٍ، عَنْ عَمِّهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لَتُتْرَكَنَّ الْمَدِينَةُ عَلَى أَحْسَنِ مَا كَانَتْ حَتَّى يَدْخُلَ الْكَلْبُ أَوِ الذِّئْبُ فَيُغَذِّي عَلَى بَعْضِ سَوَارِي الْمَسْجِدِ أَوْ عَلَى الْمِنْبَرِ " . فَقَالُوا يَا رَسُولَ اللَّهِ فَلِمَنْ تَكُونُ الثِّمَارُ ذَلِكَ الزَّمَانَ قَالَ " لِلْعَوَافِي الطَّيْرِ وَالسِّبَاعِ " .

USC-MSA web (English) reference : Book 45, Hadith 8
Arabic reference : Book 45, Hadith 1608

Malik related to me that he had heard that when Umar ibn Abd al- Aziz left Madina, he turned towards it and wept. Then he said, "O Muzahim! Do you fear that we might be among those that Madina casts off?"

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، حِينَ خَرَجَ مِنَ الْمَدِينَةِ الْتَفَتَ إِلَيْهَا فَبَكَى ثُمَّ قَالَ يَا مُزَاحِمُ أَتَخْشَى أَنْ نَكُونَ مِمَّنْ نَفَتِ الْمَدِينَةُ

USC-MSA web (English) reference : Book 45, Hadith 9
Arabic reference : Book 45, Hadith 1609

Yahya related to me from Malik from Amr, the mawla of al-Muttalib from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, saw Uhud and said, "This is a mountain which loves us and we love it. O Allah! Ibrahim made Makka Haram, and I will make what is between the two tracts of black stones (in Madina) a Haram."

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَمْرٍو، مَوْلَى الْمُطَّلِبِ عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم طَلَعَ لَهُ أُحُدٌ فَقَالَ " هَذَا جَبَلٌ يُحِبُّنَا وَنُحِبُّهُ اللَّهُمَّ إِنَّ إِبْرَاهِيمَ حَرَّمَ مَكَّةَ وَأَنَا أُحَرِّمُ مَا بَيْنَ لاَبَتَيْهَا " .

USC-MSA web (English) reference : Book 45, Hadith 10
Arabic reference : Book 45, Hadith 1610

Malik related to me from Ibn Shihab from Said ibn al-Musayyab that Abu Hurayra said, "Had I seen a gazelle at Madina, I would have left it to graze and would not have frightened it. The Messenger of Allah, may Allah bless him and grant him peace, said, 'What is between the two tracts of black stones is a Haram.' "

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ كَانَ يَقُولُ لَوْ رَأَيْتُ الظِّبَاءَ بِالْمَدِينَةِ تَرْتَعُ مَا ذَعَرْتُهَا قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا بَيْنَ لاَبَتَيْهَا حَرَامٌ " .

USC-MSA web (English) reference : Book 45, Hadith 11
Arabic reference : Book 45, Hadith 1611

Malik related to me from Yunus ibn Yusuf from Ata ibn Yasar that Abu Ayyub al-Ansari found some boys who had driven a fox into a corner, and he chased them away from it.

Malik said, "I only know that he said, 'Is this done in the Haram of the Messenger of Allah, may Allah bless him and grant him peace?' "

وَحَدَّثَنِي مَالِكٌ، عَنْ يُونُسَ بْنِ يُوسُفَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي أَيُّوبَ الأَنْصَارِيِّ، أَنَّهُ وَجَدَ غِلْمَانًا قَدْ أَلْجَئُوا ثَعْلَبًا إِلَى زَاوِيَةٍ فَطَرَدَهُمْ عَنْهُ . قَالَ مَالِكٌ لاَ أَعْلَمُ إِلاَّ أَنَّهُ قَالَ أَفِي حَرَمِ رَسُولِ اللَّهِ صلى الله عليه وسلم يُصْنَعُ هَذَا

USC-MSA web (English) reference : Book 45, Hadith 12
Arabic reference : Book 45, Hadith 1612

Yahya related to me from Malik from a man who said, "Zayd ibn Thabit came across me while I was at al-Aswaf (on the outskirts of Madina). I had captured a hawk. He took it from my hands and set it free."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ رَجُلٍ، قَالَ دَخَلَ عَلَىَّ زَيْدُ بْنُ ثَابِتٍ وَأَنَا بِالأَسْوَافِ، قَدِ اصْطَدْتُ نُهَسًا فَأَخَذَهُ مِنْ يَدِي فَأَرْسَلَهُ .

USC-MSA web (English) reference : Book 45, Hadith 13
Arabic reference : Book 45, Hadith 1613

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin said, "When the Messenger of Allah, may Allah bless him and grant him peace, came to Madina, Abu Bakr and Bilal came down with a fever. I visited them and said, 'Father, how are you? Bilal, how are you?'" She continued, "When Abu Bakr's fever worsened he would say, 'Every man is struck down among his people in the morning - death is nearer than the strap of his sandal.'"

When it left Bilal, he raised his voice and said, 'Would that I knew whether I will spend a night at the valley of Makka with the idhkhir herb and jalil herb around me. Will I go one day to the waters of Majinna? Will the mountains of Shama and Tafil appear to me?' " '

A'isha continued, "I went to the Messenger of Allah, may Allah bless him and grant him peace, and informed him. He said, 'O Allah! Make us love Madina as much as we love Makka or even more. Make it sound and bless us in our sa and mudd. Remove its fever and put it in al-Juhfa.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّهَا قَالَتْ لَمَّا قَدِمَ رَسُولُ اللَّهِ صلى الله عليه وسلم الْمَدِينَةَ وُعِكَ أَبُو بَكْرٍ وَبِلاَلٌ - قَالَتْ - فَدَخَلْتُ عَلَيْهِمَا فَقُلْتُ يَا أَبَتِ كَيْفَ تَجِدُكَ وَيَا بِلاَلُ كَيْفَ تَجِدُكَ قَالَتْ فَكَانَ أَبُو بَكْرٍ إِذَا أَخَذَتْهُ الْحُمَّى يَقُولُ كُلُّ امْرِئٍ مُصَبَّحٌ فِي أَهْلِهِ وَالْمَوْتُ أَدْنَى مِنْ شِرَاكِ نَعْلِهِ وَكَانَ بِلاَلٌ إِذَا أُقْلِعَ عَنْهُ يَرْفَعُ عَقِيرَتَهُ فَيَقُولُ أَلاَ لَيْتَ شِعْرِي هَلْ أَبِيتَنَّ لَيْلَةً بِوَادٍ وَحَوْلِي إِذْخِرٌ وَجَلِيلُ وَهَلْ أَرِدَنْ يَوْمًا مِيَاهَ مَجَنَّةٍ وَهَلْ يَبْدُوَنْ لِي شَامَةٌ وَطَفِيلُ قَالَتْ عَائِشَةُ فَجِئْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم فَأَخْبَرْتُهُ فَقَالَ " اللَّهُمَّ حَبِّبْ إِلَيْنَا الْمَدِينَةَ كَحُبِّنَا مَكَّةَ أَوْ أَشَدَّ وَصَحِّحْهَا وَبَارِكْ لَنَا فِي صَاعِهَا وَمُدِّهَا وَانْقُلْ حُمَّاهَا فَاجْعَلْهَا بِالْجُحْفَةِ " .

USC-MSA web (English) reference : Book 45, Hadith 14
Arabic reference : Book 45, Hadith 1614

Malik said that Yahya ibn Said had related to him that A'isha said that Amir ibn Fuhayra had said at the time of the epidemic, "I have seen death before tasting it, the coward's destination is from above him."

قَالَ مَالِكٌ وَحَدَّثَنِي يَحْيَى بْنُ سَعِيدٍ، أَنَّ عَائِشَةَ، قَالَتْ وَكَانَ عَامِرُ بْنُ فُهَيْرَةَ يَقُولُ قَدْ رَأَيْتُ الْمَوْتَ قَبْلَ ذَوْقِهِ إِنَّ الْجَبَانَ حَتْفُهُ مِنْ فَوْقِهِ .

USC-MSA web (English) reference : Book 45, Hadith 15
Arabic reference : Book 45, Hadith 1615

Yahya related to me from Malik from Nuaym ibn Abdullah al-Mujmir that Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'There are angels at the entries of Madina, and neither plague nor the Dajjal will enter it.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نُعَيْمِ بْنِ عَبْدِ اللَّهِ الْمُجْمِرِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " عَلَى أَنْقَابِ الْمَدِينَةِ مَلاَئِكَةٌ لاَ يَدْخُلُهَا الطَّاعُونُ وَلاَ الدَّجَّالُ

USC-MSA web (English) reference : Book 45, Hadith 16
Arabic reference : Book 45, Hadith 1616

Yahya related to me from Malik from Ismail ibn Abi Hakim that he heard Umar ibn Abd al-Aziz say, "One of the last things that the Messenger of Allah, may Allah bless him and grant him peace, said was, 'May Allah fight the jews and the christians. They took the graves of their Prophets as places of prostration . Two deens shall not co-exist in the land of the Arabs.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَكِيمٍ، أَنَّهُ سَمِعَ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، يَقُولُ كَانَ مِنْ آخِرِ مَا تَكَلَّمَ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ قَالَ " قَاتَلَ اللَّهُ الْيَهُودَ وَالنَّصَارَى اتَّخَذُوا قُبُورَ أَنْبِيَائِهِمْ مَسَاجِدَ لاَ يَبْقَيَنَّ دِينَانِ بِأَرْضِ الْعَرَبِ " .

USC-MSA web (English) reference : Book 45, Hadith 17
Arabic reference : Book 45, Hadith 1617

Yahya related to me from Malik from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, said, "Two deens shall not co-exist in the Arabian Peninsula."

Malik said that Ibn Shihab said, "Umar ibn al-Khattab searched for information about that until he was absolutely convinced that the Messenger of Allah, may Allah bless him and grant him peace, had said, 'Two deens shall not co-exist in the Arabian Peninsula,' and he therefore expelled the jews from Khaybar."
Malik said, "Umar ibn al-Khattab expelled the jews from Najran (a jewish settlement in the Yemen) and Fadak (a jewish settlement thirty miles from Madina). When the jews of Khaybar left, they did not take any fruit or land. The jews of Fadak took half the fruit and half the land, because the Messenger of Allah, may Allah bless him and grant him peace, had made a settlement with them for that. So Umar entrusted to them the value in gold, silver, camels, ropes and saddle bags of half the fruit and half the land, and handed the value over to them and expelled them."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَجْتَمِعُ دِينَانِ فِي جَزِيرَةِ الْعَرَبِ " . قَالَ مَالِكٌ قَالَ ابْنُ شِهَابٍ فَفَحَصَ عَنْ ذَلِكَ عُمَرُ بْنُ الْخَطَّابِ حَتَّى أَتَاهُ الثَّلْجُ وَالْيَقِينُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَجْتَمِعُ دِينَانِ

فِي جَزِيرَةِ الْعَرَبِ " فَأَجْلَى يَهُودَ خَيْبَرَ . قَالَ مَالِكٌ وَقَدْ أَجْلَى عُمَرُ بْنُ الْخَطَّابِ يَهُودَ نَجْرَانَ وَفَدَكَ فَأَمَّا يَهُودُ خَيْبَرَ فَخَرَجُوا مِنْهَا لَيْسَ لَهُمْ مِنَ الثَّمَرِ وَلاَ مِنَ الأَرْضِ شَىْءٌ وَأَمَّا يَهُودُ فَدَكَ فَكَانَ لَهُمْ نِصْفُ الثَّمَرِ وَنِصْفُ الأَرْضِ لأَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ صَالَحَهُمْ عَلَى نِصْفِ الثَّمَرِ وَنِصْفِ الأَرْضِ فَأَقَامَ لَهُمْ عُمَرُ نِصْفَ الثَّمَرِ وَنِصْفَ الأَرْضِ قِيمَةً مِنْ ذَهَبٍ وَوَرِقٍ وَإِبِلٍ وَحِبَالٍ وَأَقْتَابٍ ثُمَّ أَعْطَاهُمُ الْقِيمَةَ وَأَجْلاَهُمْ مِنْهَا .

USC-MSA web (English) reference : Book 45, Hadith 18
Arabic reference : Book 45, Hadith 1618

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, came in view of Uhud and said, "This is a mountain which loves us and we love it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم طَلَعَ لَهُ أُحُدٌ فَقَالَ " هَذَا جَبَلٌ يُحِبُّنَا وَنُحِبُّهُ " .

USC-MSA web (English) reference : Book 45, Hadith 20
Arabic reference : Book 45, Hadith 1619

Yahya related to me from Malik from Yahya ibn Said from Abd ar- Rahman ibn al-Qasim that Aslam, the mawla of Umar ibn al-Khattab informed him that he had visited Abdullah ibn Ayyash al-Makhzumi. He saw that he had some nabidh with him and he was at that moment on the way to Makka. Aslam said to him, "Umar ibn al-Khattab loves this drink." Abdullah ibn Ayyash therefore carried a great drinking bowl and brought it to Umar ibn al-Khattab and placed it before him. Umar brought it near to him and then raised his head. Umar said, "This drink is good," so he drank some of it and then passed it to a man on his right. When Abdullah turned to go, Umar ibn al-Khattab called him and asked, "Are you the person who says that Makka is better than Madina?" Abdullah said, "I said that it was the Haram of Allah, and His place of security, and His House was in it." Umar said, "I am not saying anything about the House of Allah or His Haram." Then Umar repeated "Are you the person who says that Makka is better than Madina?" He replied, "I said that it was the Haram of Allah and His place of security, and His House was in it." Umar said, "I am not saying anything about the House of Allah and His Haram." Then Abdullah left.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، أَنَّ أَسْلَمَ، مَوْلَى عُمَرَ بْنِ الْخَطَّابِ أَخْبَرَهُ أَنَّهُ، زَارَ عَبْدَ اللَّهِ بْنَ عَيَّاشٍ الْمَخْزُومِيَّ فَرَأَى عِنْدَهُ نَبِيذًا وَهُوَ بِطَرِيقِ مَكَّةَ فَقَالَ لَهُ أَسْلَمُ إِنَّ هَذَا الشَّرَابَ يُحِبُّهُ عُمَرُ بْنُ الْخَطَّابِ فَحَمَلَ عَبْدُ اللَّهِ بْنُ عَيَّاشٍ قَدَحًا عَظِيمًا فَجَاءَ بِهِ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَوَضَعَهُ فِي يَدَيْهِ فَقَرَّبَهُ عُمَرُ إِلَى فِيهِ ثُمَّ رَفَعَ رَأْسَهُ فَقَالَ عُمَرُ إِنَّ هَذَا لَشَرَابٌ طَيِّبٌ فَشَرِبَ مِنْهُ ثُمَّ نَاوَلَهُ رَجُلاً عَنْ يَمِينِهِ . فَلَمَّا أَدْبَرَ عَبْدُ اللَّهِ نَادَاهُ عُمَرُ بْنُ الْخَطَّابِ فَقَالَ أَأَنْتَ الْقَائِلُ لَمَكَّةُ خَيْرٌ مِنَ الْمَدِينَةِ فَقَالَ عَبْدُ اللَّهِ فَقُلْتُ هِيَ حَرَمُ اللَّهِ وَأَمْنُهُ وَفِيهَا بَيْتُهُ . فَقَالَ عُمَرُ لاَ أَقُولُ فِي بَيْتِ اللَّهِ وَلاَ فِي حَرَمِهِ شَيْئًا . ثُمَّ قَالَ عُمَرُ أَأَنْتَ الْقَائِلُ لَمَكَّةُ خَيْرٌ مِنَ الْمَدِينَةِ قَالَ فَقُلْتُ هِيَ حَرَمُ اللَّهِ وَأَمْنُهُ وَفِيهَا بَيْتُهُ . فَقَالَ عُمَرُ لاَ أَقُولُ فِي حَرَمِ اللَّهِ وَلاَ فِي بَيْتِهِ شَيْئًا ثُمَّ انْصَرَفَ .

USC-MSA web (English) reference : Book 45, Hadith 21
Arabic reference : Book 45, Hadith 1620

Yahya related to me from Malik from Ibn Shihab from Abd al-Hamid ibn Abd ar-Rahman ibn Zayd ibn al-Khattab from Abdullah ibn Abdullah ibn al-Harith ibn Nawfal from Abdullah ibn Abbas that Umar ibn al- Khattab set out for ash Sham and when he was at Sargh, near Tabuk, the commanders of the army, Abu Ubayda ibn al-Jarrah and his companions, met him and told him that the plague had broken out in ash-Sham. Ibn Abbas said, "Umar ibn al-Khattab said, 'all the first Muhajir unto me.' He assembled them and asked them for advice, informing them that the plague had broken out in ash Sham. They disagreed. Some said, 'You have set out for something, and we do not think that you should leave it.' Others said, 'You have the companions of the Prophet, may Allah bless him and grant him peace, and the rest of the people with you, and we do not think that you should send them towards this plague.' Umar said, 'Leave me.'

Then he said, 'Summon the Ansar to me.' They were summoned and he asked them for advice. They acted as the Muhajirun had and disagreed as they had disagreed. He said, 'Leave me.' "Then he said, 'Summon to me whoever is here of the aged men of Quraysh from the Muhajirun of the conquest.' He summoned them and not one of them differed. They said, 'We think that you should withdraw the people and not send them towards the plague.' Umar called out to the people, 'I am leaving by camel in the morning,' so they set out. Abu Ubayda said, 'Is it flight from the decree of Allah?' Umar said, 'Better that someone other than you had said it, Abu Ubayda. Yes. We flee from the decree of Allah to the decree of Allah. What would you think if these camels had gone down into a valley which had two slopes, one of them fertile, and the other barren. If you pastured in the fertile part, wouldn't you pasture them by the decree of Allah? If you pastured them in the barren part, wouldn't you pasture them by the decree of Allah?' ''Abd ar-Rahman ibn Awf arrived and he had been off doing something and he said, 'I have some knowledge of this. I heard the Messenger of Allah, may Allah bless him and grant him peace, say, "If you hear about it in a land, do not go forward to it. If it comes upon a land and you are in it, then do not depart in flight from it." ' Umar praised Allah and then set off."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ الْحَمِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ الْخَطَّابِ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ نَوْفَلٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، خَرَجَ إِلَى الشَّامِ حَتَّى إِذَا كَانَ بِسَرْغَ لَقِيَهُ أُمَرَاءُ الأَجْنَادِ أَبُو عُبَيْدَةَ بْنُ الْجَرَّاحِ وَأَصْحَابُهُ فَأَخْبَرُوهُ أَنَّ الْوَبَأَ قَدْ وَقَعَ بِأَرْضِ الشَّامِ قَالَ ابْنُ عَبَّاسٍ فَقَالَ عُمَرُ بْنُ الْخَطَّابِ ادْعُ لِي الْمُهَاجِرِينَ الأَوَّلِينَ . فَدَعَاهُمْ فَاسْتَشَارَهُمْ وَأَخْبَرَهُمْ أَنَّ الْوَبَأَ قَدْ وَقَعَ بِالشَّامِ فَاخْتَلَفُوا فَقَالَ بَعْضُهُمْ قَدْ خَرَجْتَ لأَمْرٍ وَلاَ نَرَى أَنْ تَرْجِعَ عَنْهُ . وَقَالَ بَعْضُهُمْ مَعَكَ بَقِيَّةُ النَّاسِ وَأَصْحَابُ رَسُولِ اللَّهِ صلى الله عليه وسلم وَلاَ نَرَى أَنْ تُقْدِمَهُمْ عَلَى هَذَا الْوَبَإِ . فَقَالَ عُمَرُ ارْتَفِعُوا عَنِّي . ثُمَّ قَالَ ادْعُ لِي الأَنْصَارَ فَدَعَوْتُهُمْ فَاسْتَشَارَهُمْ فَسَلَكُوا سَبِيلَ الْمُهَاجِرِينَ وَاخْتَلَفُوا كَاخْتِلاَفِهِمْ فَقَالَ ارْتَفِعُوا عَنِّي . ثُمَّ قَالَ ادْعُ لِي مَنْ كَانَ هَا هُنَا مِنْ مَشْيَخَةِ قُرَيْشٍ مِنْ مُهَاجِرَةِ الْفَتْحِ . فَدَعَوْتُهُمْ فَلَمْ يَخْتَلِفْ عَلَيْهِ مِنْهُمُ اثْنَانِ فَقَالُوا نَرَى أَنْ تَرْجِعَ بِالنَّاسِ وَلاَ تُقْدِمَهُمْ عَلَى هَذَا الْوَبَإِ فَنَادَى عُمَرُ فِي النَّاسِ إِنِّي مُصْبِحٌ عَلَى ظَهْرٍ فَأَصْبِحُوا عَلَيْهِ . فَقَالَ أَبُو عُبَيْدَةَ أَفِرَارًا مِنْ قَدَرِ اللَّهِ فَقَالَ عُمَرُ لَوْ غَيْرُكَ قَالَهَا يَا أَبَا عُبَيْدَةَ نَعَمْ نَفِرُّ مِنْ قَدَرِ اللَّهِ إِلَى قَدَرِ اللَّهِ أَرَأَيْتَ لَوْ كَانَ لَكَ إِبِلٌ فَهَبَطَتْ وَادِيًا لَهُ عُدْوَتَانِ إِحْدَاهُمَا مُخْصِبَةٌ وَالأُخْرَى جَدْبَةٌ أَلَيْسَ إِنْ رَعَيْتَ الْخَصِبَةَ رَعَيْتَهَا بِقَدَرِ اللَّهِ وَإِنْ رَعَيْتَ الْجَدْبَةَ رَعَيْتَهَا بِقَدَرِ اللَّهِ فَجَاءَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ - وَكَانَ غَائِبًا فِي بَعْضِ حَاجَتِهِ - فَقَالَ إِنَّ عِنْدِي مِنْ هَذَا عِلْمًا سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " إِذَا سَمِعْتُمْ بِهِ بِأَرْضٍ فَلاَ تَقْدَمُوا عَلَيْهِ وَإِذَا وَقَعَ بِأَرْضٍ وَأَنْتُمْ بِهَا فَلاَ تَخْرُجُوا فِرَارًا مِنْهُ " . قَالَ فَحَمِدَ اللَّهَ عُمَرُ ثُمَّ انْصَرَفَ .

USC-MSA web (English) reference : Book 45, Hadith 22
Arabic reference : Book 45, Hadith 1621

Yahya related to me from Malik from Muhammad ibn al-Munkadir and from Salim ibn Abi'n-Nadr, the mawla of Umar ibn Ubaydullah that Amir ibn Sad ibn Abi Waqqas heard his father ask Usama ibn Zayd, "Have you heard anything from the Messenger of Allah, may Allah bless him and grant him peace, about the plague?" Usama said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'The plague is a punishment that was sent down on a party of the Banu Israil or whoever was before them. When you hear of it in a land, do not enter it. If it comes upon a land and you are in it, do not depart in flight from it.' "

Malik said that Abu'n-Nadr said, "That is, do not depart with no other intention but flight."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، وَعَنْ سَالِمٍ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ عَامِرِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ، عَنْ أَبِيهِ، أَنَّهُ سَمِعَهُ يَسْأَلُ، أُسَامَةَ بْنَ زَيْدٍ مَا سَمِعْتَ مِنْ، رَسُولِ اللَّهِ صلى الله عليه وسلم فِي الطَّاعُونِ فَقَالَ أُسَامَةُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " الطَّاعُونُ رِجْزٌ أُرْسِلَ عَلَى طَائِفَةٍ مِنْ بَنِي إِسْرَائِيلَ أَوْ عَلَى مَنْ كَانَ قَبْلَكُمْ فَإِذَا سَمِعْتُمْ بِهِ بِأَرْضٍ فَلاَ تَدْخُلُوا عَلَيْهِ وَإِذَا وَقَعَ بِأَرْضٍ وَأَنْتُمْ بِهَا فَلاَ تَخْرُجُوا فِرَارًا مِنْهُ " . قَالَ مَالِكٌ قَالَ أَبُو النَّضْرِ لاَ يُخْرِجُكُمْ إِلاَّ فِرَارٌ مِنْهُ .

USC-MSA web (English) reference : Book 45, Hadith 23
Arabic reference : Book 45, Hadith 1622

Yahya related to me from Malik from Ibn Shihab from Abdullah ibn Amir ibn Rabia that Umar ibn al-Khattab went out to ash-Sham. When he came to Sargh, near Tabuk, he heard that the plague had broken out in ash-Sham. Abd ar-Rahman ibn Awf told him that the Messenger of Allah, may Allah bless him and grant him peace, said, "If you hear that a land has a plague in it, do not go forward to it. If it comes upon a land which you are in, do not depart in flight from it." Umar ibn al- Khattab came back from Sargh.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَامِرِ بْنِ رَبِيعَةَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، خَرَجَ إِلَى الشَّامِ فَلَمَّا جَاءَ سَرْغَ بَلَغَهُ أَنَّ الْوَبَأَ قَدْ وَقَعَ بِالشَّامِ فَأَخْبَرَهُ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا سَمِعْتُمْ بِهِ بِأَرْضٍ فَلاَ تَقْدَمُوا عَلَيْهِ وَإِذَا وَقَعَ بِأَرْضٍ وَأَنْتُمْ بِهَا فَلاَ تَخْرُجُوا فِرَارًا مِنْهُ " . فَرَجَعَ عُمَرُ بْنُ الْخَطَّابِ مِنْ سَرْغَ .

USC-MSA web (English) reference : Book 45, Hadith 24
Arabic reference : Book 45, Hadith 1623

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Umar ibn al-Khattab turned people back at Sargh according to the hadith of Abd ar-Rahman ibn Awf.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، إِنَّمَا رَجَعَ بِالنَّاسِ مِنْ سَرْغَ عَنْ حَدِيثِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، .

USC-MSA web (English) reference : Book 45, Hadith 25
Arabic reference : Book 45, Hadith 1624

Yahya related to me that Malik said, "I heard that Umar ibn al- Khattab said, 'A night in Rukba (a valley near Taif,) is more preferable to me than ten nights in ash-Sham.' "

Malik said, "He meant to lengthen and preserve their lives because of the severity of the plague in ash-Sham ."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ قَالَ بَلَغَنِي أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لَبَيْتٌ بِرُكْبَةَ أَحَبُّ إِلَىَّ مِنْ عَشَرَةِ أَبْيَاتٍ بِالشَّامِ . قَالَ مَالِكٌ يُرِيدُ لِطُولِ الأَعْمَارِ وَالْبَقَاءِ وَلِشِدَّةِ الْوَبَإِ بِالشَّامِ .

USC-MSA web (English) reference : Book 45, Hadith 26
Arabic reference : Book 45, Hadith 1625

46 - The Decree كتاب القدر

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Adam and Musa argued and Adam got the better of Musa. Musa rebuked Adam, 'You are Adam who led people astray and brought them out of the Garden.' Adam said to him, 'You are Musa to whom Allah gave knowledge of everything and whom he chose above people with His message.' He said, 'Yes.' He said, 'Do you then censure me for a matter which was decreed for me before I was created?' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " تَحَاجَّ آدَمُ وَمُوسَى فَحَجَّ آدَمُ مُوسَى قَالَ لَهُ مُوسَى أَنْتَ آدَمُ الَّذِي أَغْوَيْتَ النَّاسَ وَأَخْرَجْتَهُمْ مِنَ الْجَنَّةِ فَقَالَ لَهُ آدَمُ أَنْتَ مُوسَى الَّذِي أَعْطَاهُ اللَّهُ عِلْمَ كُلِّ شَىْءٍ وَاصْطَفَاهُ عَلَى النَّاسِ بِرِسَالَتِهِ قَالَ نَعَمْ . قَالَ أَفَتَلُومُنِي عَلَى أَمْرٍ قَدْ قُدِّرَ عَلَىَّ قَبْلَ أَنْ أُخْلَقَ " .

USC-MSA web (English) reference : Book 46, Hadith 1
Arabic reference : Book 46, Hadith 1626

Yahya related to me from Malik from Zayd ibn Abi Unaysa that Abd al-Hamid ibn Abd ar-Rahman ibn Zayd ibn al-Khattab informed him from Muslim ibn Yasar al-Juhani that Umar ibn al-Khattab was asked about this ayat - "When your Lord took their progeny from the Banu Adam from their backs and made them testify against themselves. 'Am I not your Lord?' They said, 'Yes, we bear witness'

Lest you should say on the Day of Rising, 'We were heedless of that.'" (Sura 7 ayat 172) Umar ibn al-Khattab said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, being asked about it. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Allah, the Blessed, the Exalted, created Adam. Then He stroked his back with His right hand, and progeny issued from it. He said, "I created these for the Garden and they will act with the behaviour of the people of the Garden." Then He stroked his back again and brought forth progeny from him. He said, "I created these for the Fire and they will act with the behaviour of the people of the Fire." 'A man said, 'Messenger of Allah! Then of what value are deeds?' The Messenger of Allah, may Allah bless him and grant him peace, answered, 'When Allah creates a slave for the Garden, he makes him use the behaviour of the people of the Garden, so that he dies on one of the actions of the people of the Garden and by it He brings him into the Garden. When He creates a slave for the Fire, He makes him use the behaviour of the people of the Fire, so that he dies on one of the actions of the people of the Fire, and by it, He brings him into the Fire.' "

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَبِي أُنَيْسَةَ، عَنْ عَبْدِ الْحَمِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ الْخَطَّابِ، أَنَّهُ أَخْبَرَهُ عَنْ مُسْلِمِ بْنِ يَسَارٍ الْجُهَنِيِّ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، سُئِلَ عَنْ هَذِهِ الآيَةِ، {وَإِذْ أَخَذَ رَبُّكَ مِنْ بَنِي آدَمَ مِنْ ظُهُورِهِمْ ذُرِّيَّتَهُمْ وَأَشْهَدَهُمْ عَلَى أَنْفُسِهِمْ أَلَسْتُ بِرَبِّكُمْ قَالُوا بَلَى شَهِدْنَا أَنْ تَقُولُوا يَوْمَ الْقِيَامَةِ إِنَّا كُنَّا عَنْ هَذَا غَافِلِينَ} . فَقَالَ عُمَرُ بْنُ الْخَطَّابِ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يُسْأَلُ عَنْهَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى خَلَقَ آدَمَ ثُمَّ مَسَحَ ظَهْرَهُ بِيَمِينِهِ فَاسْتَخْرَجَ مِنْهُ ذُرِّيَّةً فَقَالَ خَلَقْتُ هَؤُلاَءِ لِلْجَنَّةِ وَبِعَمَلِ أَهْلِ الْجَنَّةِ يَعْمَلُونَ ثُمَّ مَسَحَ ظَهْرَهُ فَاسْتَخْرَجَ مِنْهُ ذُرِّيَّةً فَقَالَ خَلَقْتُ هَؤُلاَءِ لِلنَّارِ وَبِعَمَلِ أَهْلِ النَّارِ يَعْمَلُونَ " . فَقَالَ رَجُلٌ يَا رَسُولَ اللَّهِ فَفِيمَ الْعَمَلُ قَالَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّ اللَّهَ إِذَا خَلَقَ الْعَبْدَ لِلْجَنَّةِ اسْتَعْمَلَهُ بِعَمَلِ أَهْلِ الْجَنَّةِ حَتَّى يَمُوتَ عَلَى عَمَلٍ مِنْ أَعْمَالِ أَهْلِ الْجَنَّةِ فَيُدْخِلَهُ بِهِ الْجَنَّةَ وَإِذَا خَلَقَ الْعَبْدَ لِلنَّارِ اسْتَعْمَلَهُ بِعَمَلِ أَهْلِ النَّارِ حَتَّى يَمُوتَ عَلَى عَمَلٍ مِنْ أَعْمَالِ أَهْلِ النَّارِ فَيُدْخِلَهُ بِهِ النَّارَ " .

USC-MSA web (English) reference : Book 46, Hadith 2

Arabic reference : Book 46, Hadith 1627

Yahya related to me from Malik that he heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "I have left two matters with you. As long as you hold to them, you will not go the wrong way. They are the Book of Allah and the Sunna of His Prophet."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " تَرَكْتُ فِيكُمْ أَمْرَيْنِ لَنْ تَضِلُّوا مَا تَمَسَّكْتُمْ بِهِمَا كِتَابَ اللَّهِ وَسُنَّةَ نَبِيِّهِ " .

USC-MSA web (English) reference : Book 46, Hadith 3
Arabic reference : Book 46, Hadith 1628

Yahya related to me from Malik from Ziyad ibn Sad from Amr ibn Muslim that Tawus al-Yamani said, "I found some of the companions of the Messenger of Allah, may Allah bless him and grant him peace, saying 'Everything is by decree.' " Tawus added, "I heard Abdullah ibn Umar say that The Messenger of Allah, may Allah bless him and grant him peace. said, 'Everything is by decree - even incapacity and ability,' (or 'ability and incapacity')."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ زِيَادِ بْنِ سَعْدٍ، عَنْ عَمْرِو بْنِ مُسْلِمٍ، عَنْ طَاوُسٍ الْيَمَانِيِّ، أَنَّهُ قَالَ أَدْرَكْتُ نَاسًا مِنْ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم يَقُولُونَ كُلُّ شَىْءٍ بِقَدَرٍ . قَالَ طَاوُسٌ وَسَمِعْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ يَقُولُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " كُلُّ شَىْءٍ بِقَدَرٍ حَتَّى الْعَجْزِ وَالْكَيْسِ أَوِ الْكَيْسِ وَالْعَجْزِ " .

USC-MSA web (English) reference : Book 46, Hadith 4
Arabic reference : Book 46, Hadith 1629

Malik related to me from Ziyad ibn Sad that Amr ibn Dinar said, "I heard Abdullah ibn az-Zubayr say in a khutba, 'Allah - He is the Guider and the One Who Tempts Away.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ زِيَادِ بْنِ سَعْدٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، أَنَّهُ قَالَ سَمِعْتُ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ، يَقُولُ فِي خُطْبَتِهِ إِنَّ اللَّهَ هُوَ الْهَادِي وَالْفَاتِنُ .

USC-MSA web (English) reference : Book 46, Hadith 5
Arabic reference : Book 46, Hadith 1630

Yahya related to me from Malik that his paternal uncle, Abu Suhayl ibn Malik said, "I was a prisoner with Umar ibn Abd al-Aziz. He said, 'What do you think about these Qadariyya (fatalists)?' I said, 'My opinion is that one should ask them to turn from wrong action, if they will do so. If not, subject them to the sword.' Umar ibn Abd al- Aziz said, 'That is my opinion.

Malik added, "That is my opinion also."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، أَنَّهُ قَالَ كُنْتُ أَسِيرُ مَعَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَقَالَ مَا رَأْيُكَ فِي هَؤُلاَءِ الْقَدَرِيَّةِ فَقُلْتُ رَأْيِي أَنْ تَسْتَتِيبَهُمْ فَإِنْ تَابُوا وَإِلاَّ عَرَضْتَهُمْ عَلَى السَّيْفِ . فَقَالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ وَذَلِكَ رَأْيِي . قَالَ مَالِكٌ وَذَلِكَ رَأْيِي .

USC-MSA web (English) reference : Book 46, Hadith 6
Arabic reference : Book 46, Hadith 1631

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A woman should not ask for the divorce of her sister to make her plate empty and in order to marry. She has what is decreed for her."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ تَسْأَلِ الْمَرْأَةُ طَلاَقَ أُخْتِهَا لِتَسْتَفْرِغَ صَحْفَتَهَا وَلِتَنْكِحَ فَإِنَّمَا لَهَا مَا قُدِّرَ لَهَا " .

USC-MSA web (English) reference : Book 46, Hadith 7
Arabic reference : Book 46, Hadith 1632

Yahya related to me from Malik from Yazid ibn Ziyad that Muhammad ibn Kab al-Quradhi said, "Muawiya ibn Abi Sufyan said from the mimbar, 'O people! Nothing keeps away what Allah gives and nothing gives what Allah keeps away. The earnestness of the earnest one does not profit him. When Allah desires good for him, he gives him understanding in the deen.' Then Muawiya said, 'I heard these words from the Messenger of Allah, may Allah bless him and grant him peace, on these blocks of wood.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ زِيَادٍ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ الْقُرَظِيِّ، قَالَ قَالَ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ وَهُوَ عَلَى الْمِنْبَرِ أَيُّهَا النَّاسُ إِنَّهُ لاَ مَانِعَ لِمَا أَعْطَى اللَّهُ وَلاَ مُعْطِيَ لِمَا مَنَعَ اللَّهُ وَلاَ يَنْفَعُ ذَا الْجَدِّ مِنْهُ الْجَدُّ مَنْ يُرِدِ اللَّهُ بِهِ خَيْرًا يُفَقِّهْهُ فِي الدِّينِ . ثُمَّ قَالَ مُعَاوِيَةُ سَمِعْتُ هَؤُلاَءِ الْكَلِمَاتِ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم عَلَى هَذِهِ الأَعْوَادِ .

USC-MSA web (English) reference : Book 46, Hadith 8
Arabic reference : Book 46, Hadith 1633

Yahya related to me from Malik that he had heard that this was said "Praise be to Allah who created everything as is necessary, who does not hasten anything He defers and determines. Allah is enough for me and sufficient. Allah hears whoever makes dua to him. Allah does not have a goal."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّهُ كَانَ يُقَالُ الْحَمْدُ لِلَّهِ الَّذِي خَلَقَ كُلَّ شَىْءٍ كَمَا يَنْبَغِي الَّذِي لاَ يَعْجَلُ شَىْءٌ أَنَاهُ وَقَدَّرَهُ حَسْبِيَ اللَّهُ وَكَفَى سَمِعَ اللَّهُ لِمَنْ دَعَا لَيْسَ وَرَاءَ اللَّهِ مَرْمَى .

USC-MSA web (English) reference : Book 46, Hadith 9
Arabic reference : Book 46, Hadith 1634

Yahya related to me from Malik that he heard that this was said "No one will die until his provision is completed for him, so behave correctly in your seeking it."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّهُ كَانَ يُقَالُ إِنَّ أَحَدًا لَنْ يَمُوتَ حَتَّى يَسْتَكْمِلَ رِزْقَهُ فَأَجْمِلُوا فِي الطَّلَبِ .

USC-MSA web (English) reference : Book 46, Hadith 10
Arabic reference : Book 46, Hadith 1635

47 - Good Character كتاب حسن الخلق

Yahya related to me from Malik that Muadh ibn Jabal said, "The last advice the Messenger of Allah, may Allah bless him and grant him peace, gave me when I put my foot in the stirrup was that he said, 'Make your character good for the people, Muadh ibn Jabal!' "

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّ مُعَاذَ بْنَ جَبَلٍ، قَالَ آخِرُ مَا أَوْصَانِي بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم حِينَ وَضَعْتُ رِجْلِي فِي الْغَرْزِ أَنْ قَالَ " أَحْسِنْ خُلُقَكَ لِلنَّاسِ يَا مُعَاذُ بْنَ جَبَلٍ " .

USC-MSA web (English) reference : Book 47, Hadith 1
Arabic reference : Book 47, Hadith 1636

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, did not have to choose between two matters, but that he chose the easier of them as long as it was not a wrong action. If it was a wrong action, he was the furthest of people from it. The Messenger of Allah, may Allah bless him and grant him peace, did not take revenge for himself unless the limits of Allah were violated. Then he took revenge for it for Allah."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ مَا خُيِّرَ رَسُولُ اللَّهِ صلى الله عليه وسلم فِي أَمْرَيْنِ قَطُّ إِلاَّ أَخَذَ أَيْسَرَهُمَا مَا لَمْ يَكُنْ إِثْمًا فَإِنْ كَانَ إِثْمًا كَانَ أَبْعَدَ النَّاسِ مِنْهُ وَمَا انْتَقَمَ رَسُولُ اللَّهِ صلى الله عليه وسلم لِنَفْسِهِ إِلاَّ أَنْ تُنْتَهَكَ حُرْمَةُ اللَّهِ فَيَنْتَقِمُ لِلَّهِ بِهَا .

USC-MSA web (English) reference : Book 47, Hadith 2
Arabic reference : Book 47, Hadith 1637

Yahya related to me from Malik from Ibn Shihab from Ali ibn Husayn ibn Ali ibn Abi Talib that the Messenger of Allah, may Allah bless him and grant him peace, said, "Part of the excellence of a man's Islam is that he leaves what does not concern him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَلِيِّ بْنِ حُسَيْنِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مِنْ حُسْنِ إِسْلاَمِ الْمَرْءِ تَرْكُهُ مَا لاَ يَعْنِيهِ " .

USC-MSA web (English) reference : Book 47, Hadith 3
Arabic reference : Book 47, Hadith 1638

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "A man asked permission to come in to see the Messenger of Allah, may Allah bless him and grant him peace. I was with him in the house and the Messenger of Allah, may Allah bless him and grant him peace, said, 'He is an evil member of his tribe.' Then the Messenger of Allah, may Allah bless him and grant him peace, gave him permission."

A'isha continued, "It was not long before I heard the Messenger of Allah, may Allah bless him and grant him peace, laughing with him. When the man left, I said, 'Messenger of Allah, you said what you said about him, and then before long you were laughing with him.' The Messenger of Allah, may Allah bless him and grant him peace, replied, 'Among the most evil of people is the one whom people are cautious with because of his evil.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتِ اسْتَأْذَنَ رَجُلٌ عَلَى رَسُولِ اللَّهِ صلى الله عليه وسلم قَالَتْ عَائِشَةُ وَأَنَا مَعَهُ فِي الْبَيْتِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " بِئْسَ ابْنُ الْعَشِيرَةِ " . ثُمَّ أَذِنَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم . قَالَتْ عَائِشَةُ فَلَمْ أَنْشَبْ أَنْ سَمِعْتُ ضَحِكَ رَسُولِ اللَّهِ صلى الله عليه وسلم مَعَهُ فَلَمَّا خَرَجَ الرَّجُلُ قُلْتُ يَا رَسُولَ اللَّهِ قُلْتَ فِيهِ مَا قُلْتَ ثُمَّ لَمْ تَنْشَبْ أَنْ ضَحِكْتَ مَعَهُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّ مِنْ شَرِّ النَّاسِ مَنِ اتَّقَاهُ النَّاسُ لِشَرِّهِ " .

USC-MSA web (English) reference : Book 47, Hadith 4
Arabic reference : Book 47, Hadith 1639

Yahya related to me from Malik from his paternal uncle, Abu Suhayl ibn Malik from his father that Kab al-Ahbar said, "If you want to know what a slave has with his Lord, then look at whatever good praise follows him."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، عَنْ كَعْبِ الأَحْبَارِ، أَنَّهُ قَالَ إِذَا أَحْبَبْتُمْ أَنْ تَعْلَمُوا مَا لِلْعَبْدِ عِنْدَ رَبِّهِ فَانْظُرُوا مَاذَا يَتْبَعُهُ مِنْ حُسْنِ الثَّنَاءِ .

USC-MSA web (English) reference : Book 47, Hadith 5
Arabic reference : Book 47, Hadith 1640

Yahya related to me from Malik that Yahya ibn Said said, "I have heard that by his good character a man can reach the degree of the one who stands in prayer at night and the one who is thirsty from fasting in the heat of the day."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ بَلَغَنِي أَنَّ الْمَرْءَ، لَيُدْرِكُ بِحُسْنِ خُلُقِهِ دَرَجَةَ الْقَائِمِ بِاللَّيْلِ الظَّامِي بِالْهَوَاجِرِ .

USC-MSA web (English) reference : Book 47, Hadith 6
Arabic reference : Book 47, Hadith 1641

Yahya related to me from Malik that Yahya ibn Said said that he heard Said ibn al-Musayyab say, "Shall I tell you what is better than much prayer and sadaqa?" They said, "Yes." He said, "Mending discord. And beware of hatred - it strips you (of your deen)."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ، يَقُولُ أَلاَ أُخْبِرُكُمْ بِخَيْرٍ، مِنْ كَثِيرٍ مِنَ الصَّلاَةِ وَالصَّدَقَةِ قَالُوا بَلَى . قَالَ إِصْلاَحُ ذَاتِ الْبَيْنِ وَإِيَّاكُمْ وَالْبِغْضَةَ فَإِنَّهَا هِيَ الْحَالِقَةُ .

USC-MSA web (English) reference : Book 47, Hadith 7
Arabic reference : Book 47, Hadith 1642

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "I was sent to perfect good character."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ قَدْ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " بُعِثْتُ لأُتَمِّمَ حُسْنَ الأَخْلاَقِ " .

USC-MSA web (English) reference : Book 47, Hadith 8
Arabic reference : Book 47, Hadith 1643

Yahya related to me from Malik from Salama ibn Safwan ibn Salama az-Zuraqi that Zayd ibn Talha ibn Rukana, who attributed it to the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Every deen has an innate character. The character of Islam is modesty.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سَلَمَةَ بْنِ صَفْوَانَ بْنِ سَلَمَةَ الزُّرَقِيِّ، عَنْ زَيْدِ بْنِ طَلْحَةَ بْنِ رُكَانَةَ، يَرْفَعُهُ إِلَى النَّبِيِّ صلى الله عليه وسلم قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لِكُلِّ دِينٍ خُلُقٌ وَخُلُقُ الإِسْلاَمِ الْحَيَاءُ " .

USC-MSA web (English) reference : Book 47, Hadith 9
Arabic reference : Book 47, Hadith 1644

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, passed by a man who was chiding his brother about modesty. The Messenger of Allah, may Allah bless him and grant him peace, said, "Leave him. Modesty is part of iman."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم مَرَّ عَلَى رَجُلٍ وَهُوَ يَعِظُ أَخَاهُ فِي الْحَيَاءِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " دَعْهُ فَإِنَّ الْحَيَاءَ مِنَ الإِيمَانِ " .

USC-MSA web (English) reference : Book 47, Hadith 10
Arabic reference : Book 47, Hadith 1645

Malik related to me from Ibn Shihab from Humayd ibn Abd ar-Rahman ibn Awf that a man came to the Messenger of Allah, may Allah bless him and grant him peace, and said, "Messenger of Allah, teach me some words which I can live by. Do not make them too much for me, lest I forget." The Messenger of Allah, may Allah bless him and grant him peace, said, "Do not be angry."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّ رَجُلاً، أَتَى إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ عَلِّمْنِي كَلِمَاتٍ أَعِيشُ بِهِنَّ وَلاَ تُكْثِرْ عَلَىَّ فَأَنْسَى . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ تَغْضَبْ " .

USC-MSA web (English) reference : Book 47, Hadith 11
Arabic reference : Book 47, Hadith 1646

Yahya related to me from Malik from Ibn Shihab from Said ibn al- Musayyab from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A strong person is not the person who throws his adversaries to the ground. A strong person is the person who contains himself when he is angry."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لَيْسَ الشَّدِيدُ بِالصُّرَعَةِ إِنَّمَا الشَّدِيدُ الَّذِي يَمْلِكُ نَفْسَهُ عِنْدَ الْغَضَبِ " .

USC-MSA web (English) reference : Book 47, Hadith 12
Arabic reference : Book 47, Hadith 1647

Yahya related to me from Malik from Ibn Shihab from Ata ibn Yazid al-Laythi from Abu Ayyub al-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, said, "It is not halal for a muslim to shun his brother for more than three nights, that is they meet, and this one turns away and that one turns away. The better of the two is the one who says the greeting first."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَطَاءِ بْنِ يَزِيدَ اللَّيْثِيِّ، عَنْ أَبِي أَيُّوبَ الأَنْصَارِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَحِلُّ لِمُسْلِمٍ أَنْ يُهَاجِرَ أَخَاهُ فَوْقَ ثَلاَثِ لَيَالٍ يَلْتَقِيَانِ فَيُعْرِضُ هَذَا وَيُعْرِضُ هَذَا وَخَيْرُهُمَا الَّذِي يَبْدَأُ بِالسَّلاَمِ " .

USC-MSA web (English) reference : Book 47, Hadith 13
Arabic reference : Book 47, Hadith 1648

Yahya related to me from Malik from Ibn Shihab from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not be angry with each other and do not envy each other and do not turn away from each other, and be slaves of Allah, brothers. It is not halal for a muslim to shun his brother for more than three nights."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ تَبَاغَضُوا وَلاَ تَحَاسَدُوا وَلاَ تَدَابَرُوا وَكُونُوا عِبَادَ اللَّهِ إِخْوَانًا وَلاَ يَحِلُّ لِمُسْلِمٍ أَنْ يُهَاجِرَ أَخَاهُ فَوْقَ ثَلاَثِ لَيَالٍ " .

USC-MSA web (English) reference : Book 47, Hadith 14
Arabic reference : Book 47, Hadith 1649

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Beware of suspicion. Suspicion is the most untrue speech. Do not spy and do not eavesdrop. Do not compete with each other and do not envy each other and do not hate each other and do not shun each other. Be slaves of Allah, brothers."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ وَلاَ تَجَسَّسُوا وَلاَ تَحَسَّسُوا وَلاَ تَنَافَسُوا وَلاَ تَحَاسَدُوا وَلاَ تَبَاغَضُوا وَلاَ تَدَابَرُوا وَكُونُوا عِبَادَ اللَّهِ إِخْوَانًا " .

USC-MSA web (English) reference : Book 47, Hadith 15
Arabic reference : Book 47, Hadith 1650

Yahya related to me from Malik from Ata ibn Abi Muslim that Abdullah al-Khurasani said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Shake hands and rancour will disappear. Give presents to each other and love each other and enmity will disappear.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَطَاءِ بْنِ أَبِي مُسْلِمٍ عَبْدِ اللَّهِ الْخُرَاسَانِيِّ، قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " تَصَافَحُوا يَذْهَبِ الْغِلُّ وَتَهَادَوْا تَحَابُّوا وَتَذْهَبِ الشَّحْنَاءُ " .

USC-MSA web (English) reference : Book 47, Hadith 16
Arabic reference : Book 47, Hadith 1651

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The doors of the Garden are opened on Monday and Thursday. Every muslim slave who does not associate anything with Allah is forgiven except for the man who has enmity between him and his brother. It is said, 'Leave these two until they have made a reconciliation. Leave these two until they have made a reconciliation.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " تُفْتَحُ أَبْوَابُ الْجَنَّةِ يَوْمَ الاِثْنَيْنِ وَيَوْمَ الْخَمِيسِ فَيُغْفَرُ لِكُلِّ عَبْدٍ مُسْلِمٍ لاَ يُشْرِكُ بِاللَّهِ شَيْئًا إِلاَّ رَجُلاً كَانَتْ بَيْنَهُ وَبَيْنَ أَخِيهِ شَحْنَاءُ فَيُقَالُ أَنْظِرُوا هَذَيْنِ حَتَّى يَصْطَلِحَا أَنْظِرُوا هَذَيْنِ حَتَّى يَصْطَلِحَا " .

USC-MSA web (English) reference : Book 47, Hadith 17
Arabic reference : Book 47, Hadith 1652

Yahya related to me from Malik from Muslim ibn Abi Maryam from Abu Salih as-Samman that Abu Hurayra said, "The actions of people are presented twice each week, on Monday and Thursday. Every trusting slave is forgiven except for a slave who has enmity between him and his brother. It is said, 'Leave these two until they turn in tawba. Leave these two until they turn in tawba.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُسْلِمِ بْنِ أَبِي مَرْيَمَ، عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ تُعْرَضُ أَعْمَالُ النَّاسِ كُلَّ جُمُعَةٍ مَرَّتَيْنِ يَوْمَ الاِثْنَيْنِ وَيَوْمَ الْخَمِيسِ فَيُغْفَرُ لِكُلِّ عَبْدٍ مُؤْمِنٍ إِلاَّ عَبْدًا كَانَتْ بَيْنَهُ وَبَيْنَ أَخِيهِ شَحْنَاءُ فَيُقَالُ اتْرُكُوا هَذَيْنِ حَتَّى يَفِيئَا . أَوِ ارْكُوا هَذَيْنِ حَتَّى يَفِيئَا .

USC-MSA web (English) reference : Book 47, Hadith 18
Arabic reference : Book 47, Hadith 1653

48 - Dress كتاب اللباس

Yahya related to me from Malik from Zayd ibn Aslam that Jabir ibn Abdullah al-Ansari said, "We went out with the Messenger of Allah, may Allah bless him and grant him peace, in the raid on the Banu Ammar tribe." Jabir said, "I was resting under a tree when the Messenger of Allah, may Allah bless him and grant him peace, came. I said, 'Messenger of Allah; come to the shade.' So the Messenger of Allah, may Allah bless him and grant him peace, sat down, and I stood up and went to a sack of ours. I looked in it for something and found a small cucumber and broke it. Then I brought it to the Messenger of Allah, may Allah bless him and grant him peace. He said, 'From where did you get this?' I said, 'We brought it from Madina, Messenger of Allah.' "
Jabir continued, "We had a friend of ours with us whom we used to equip to go out to guard our mounts. I gave him what was necessary and then he turned about to go to the mounts and he was wearing two threadbare cloaks of his. The Messenger of Allah, may Allah bless him and grant him peace, looked at him and said, 'Does he have two garments other than these?' I said, 'Yes, Messenger of Allah. He has two garments in the bag.' I gave them to him. He said, 'Let him go and put them on.' I let him go to put them on. As he turned to go, the Messenger of Allah, may Allah bless him and grant him peace, exclaimed, 'May Allah strike his neck. Isn't that better for him?' He said (taking him literally), 'Messenger of Allah, in the way of Allah.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'In the way of Allah.' " Jabir added, "The man was killed in the way of Allah."
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ الأَنْصَارِيِّ، أَنَّهُ قَالَ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي غَزْوَةِ بَنِي أَنْمَارٍ . قَالَ جَابِرٌ فَبَيْنَا أَنَا نَازِلٌ تَحْتَ شَجَرَةٍ إِذَا رَسُولُ اللَّهِ صلى الله عليه وسلم فَقُلْتُ يَا رَسُولَ اللَّهِ هَلُمَّ إِلَى الظِّلِّ . قَالَ فَنَزَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقُمْتُ إِلَى غِرَارَةٍ لَنَا فَالْتَمَسْتُ فِيهَا شَيْئًا فَوَجَدْتُ فِيهَا جِرْوَ قِثَّاءٍ فَكَسَرْتُهُ ثُمَّ قَرَّبْتُهُ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ " مِنْ أَيْنَ لَكُمْ هَذَا " . قَالَ فَقُلْتُ خَرَجْنَا بِهِ يَا رَسُولَ اللَّهِ مِنَ الْمَدِينَةِ . قَالَ جَابِرٌ وَعِنْدَنَا صَاحِبٌ لَنَا نُجَهِّزُهُ يَذْهَبُ يَرْعَى ظَهْرَنَا - قَالَ - فَجَهَّزْتُهُ ثُمَّ أَدْبَرَ يَذْهَبُ فِي الظَّهْرِ وَعَلَيْهِ بُرْدَانِ لَهُ قَدْ خَلَقَا - قَالَ - فَنَظَرَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِلَيْهِ فَقَالَ " أَمَا لَهُ ثَوْبَانِ غَيْرُ هَذَيْنِ " . فَقُلْتُ بَلَى يَا رَسُولَ اللَّهِ لَهُ ثَوْبَانِ فِي الْعَيْبَةِ كَسَوْتُهُ إِيَّاهُمَا . قَالَ " فَادْعُهُ فَمُرْهُ فَلْيَلْبَسْهُمَا " . قَالَ فَدَعَوْتُهُ فَلَبِسَهُمَا ثُمَّ وَلَّى يَذْهَبُ . قَالَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا لَهُ ضَرَبَ اللَّهُ عُنُقَهُ أَلَيْسَ هَذَا خَيْرًا لَهُ " . قَالَ فَسَمِعَهُ الرَّجُلُ فَقَالَ يَا رَسُولَ اللَّهِ فِي سَبِيلِ اللَّهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " فِي سَبِيلِ اللَّهِ " . قَالَ فَقُتِلَ الرَّجُلُ فِي سَبِيلِ اللَّهِ .

USC-MSA web (English) reference : Book 48, Hadith 1
Arabic reference : Book 48, Hadith 1654

Yahya related to me from Malik that he heard that Umar ibn al- Khattab said, "I love to look at a Qur'an reader in white garments."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ إِنِّي لأُحِبُّ أَنْ أَنْظُرَ، إِلَى الْقَارِئِ أَبْيَضَ الثِّيَابِ .

USC-MSA web (English) reference : Book 48, Hadith 2
Arabic reference : Book 48, Hadith 1655

Yahya related to me from Malik from Ayyub ibn Abi Tamim that Ibn Sirin said, "Umar ibn al-Khattab said, 'Allah has been generous to you, so be generous to yourselves. Let a man wear a combination of his garments.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ أَبِي تَمِيمَةَ، عَنِ ابْنِ سِيرِينَ، قَالَ قَالَ عُمَرُ بْنُ الْخَطَّابِ إِذَا أَوْسَعَ اللَّهُ عَلَيْكُمْ فَأَوْسِعُوا عَلَى أَنْفُسِكُمْ جَمَعَ رَجُلٌ عَلَيْهِ ثِيَابَهُ ‏.‏

USC-MSA web (English) reference : Book 48, Hadith 3
Arabic reference : Book 48, Hadith 1656

Yahya related to me from Malik from Nafi that Abdullah ibn Umar wore garments dyed with red earth and dyed with saffron.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ يَلْبَسُ الثَّوْبَ الْمَصْبُوغَ بِالْمِشْقِ وَالْمَصْبُوغَ بِالزَّعْفَرَانِ ‏.‏

USC-MSA web (English) reference : Book 48, Hadith 4
Arabic reference : Book 48, Hadith 1657

Yahya said that he heard Malik say, "I disapprove of youths wearing any gold because I heard that the Messenger of Allah, may Allah bless him and grant him peace, forbade wearing gold rings, and I disapprove of it for males old or young."

Yahya said, "I heard Malik say about men wearing wraps dyed with safflower in their houses and courtyards, 'I do not know that any of that is haram but I prefer other garments than that.' "

قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا، يَقُولُ وَأَنَا أَكْرَهُ، أَنْ يَلْبَسَ الْغِلْمَانُ، شَيْئًا مِنَ الذَّهَبِ لأَنَّهُ بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ تَخَتُّمِ الذَّهَبِ فَأَنَا أَكْرَهُهُ لِلرِّجَالِ الْكَبِيرِ مِنْهُمْ وَالصَّغِيرِ ‏.‏ قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا يَقُولُ فِي الْمَلاَحِفِ الْمُعَصْفَرَةِ فِي الْبُيُوتِ لِلرِّجَالِ وَفِي الأَفْنِيَةِ قَالَ لاَ أَعْلَمُ مِنْ ذَلِكَ شَيْئًا حَرَامًا وَغَيْرُ ذَلِكَ مِنَ اللِّبَاسِ أَحَبُّ إِلَىَّ ‏.‏

USC-MSA web (English) reference : Book 48, Hadith 4
Arabic reference : Book 48, Hadith 1658

Malik related to me from Hisham ibn Urwa from his father that A'isha the wife of the Prophet, may Allah bless him and grant him peace, dressed Abdullah ibn az-Zubayr in a shawl of silk which A'isha used to wear.

وَحَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا كَسَتْ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ مِطْرَفَ خَزٍّ كَانَتْ عَائِشَةُ تَلْبَسُهُ ‏.‏

USC-MSA web (English) reference : Book 48, Hadith 5
Arabic reference : Book 48, Hadith 1659

Yahya related to me from Malik from Alqama ibn Abi Alqama that his mother said, "Hafsa bint Abd ar-Rahman visited A'isha, the wife of the Prophet, may Allah bless him and grant him peace, and Hafsa was wearing a long thin head scarf A'isha tore it in two and made a wide one for her."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَلْقَمَةَ بْنِ أَبِي عَلْقَمَةَ، عَنْ أُمِّهِ، أَنَّهَا قَالَتْ دَخَلَتْ حَفْصَةُ بِنْتُ عَبْدِ الرَّحْمَنِ عَلَى عَائِشَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم وَعَلَى حَفْصَةَ خِمَارٌ رَقِيقٌ فَشَقَّتْهُ عَائِشَةُ وَكَسَتْهَا خِمَارًا كَثِيفًا ‏.‏

USC-MSA web (English) reference : Book 48, Hadith 6
Arabic reference : Book 48, Hadith 1660

Yahya related to me from Malik from Muslim ibn Abi Maryam from Abu Salih that Abu Hurayra said, "Women who are naked even though they are wearing clothes, go astray and make others go astray, and they will not enter the Garden and they will not find its scent, and its scent is experienced from as far as the distance travelled in five hundred years."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُسْلِمِ بْنِ أَبِي مَرْيَمَ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ نِسَاءٌ كَاسِيَاتٌ عَارِيَاتٌ مَائِلاَتٌ مُمِيلاَتٌ لاَ يَدْخُلْنَ الْجَنَّةَ وَلاَ يَجِدْنَ رِيحَهَا وَرِيحُهَا يُوجَدُ مِنْ مَسِيرَةِ خَمْسِمِائَةِ سَنَةٍ .

USC-MSA web (English) reference : Book 48, Hadith 7
Arabic reference : Book 48, Hadith 1661

Yahya related to me from Malik from Yahya ibn Said from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, stood up in the night and looked at the horizon of the sky. He said, "What treasures has the night opened? What trials have occurred? How many are dressed in this world and will be naked on the Day of Rising. Warn the women in their rooms."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَامَ مِنَ اللَّيْلِ فَنَظَرَ فِي أُفُقِ السَّمَاءِ فَقَالَ " مَاذَا فُتِحَ اللَّيْلَةَ مِنَ الْخَزَائِنِ وَمَاذَا وَقَعَ مِنَ الْفِتَنِ كَمْ مِنْ كَاسِيَةٍ فِي الدُّنْيَا عَارِيَةٌ يَوْمَ الْقِيَامَةِ أَيْقِظُوا صَوَاحِبَ الْحُجَرِ " .

USC-MSA web (English) reference : Book 48, Hadith 8
Arabic reference : Book 48, Hadith 1662

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "A person who drags his garment in arrogance will not be looked at by Allah on the Day of Rising."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الَّذِي يَجُرُّ ثَوْبَهُ خُيَلاَءَ لاَ يَنْظُرُ اللَّهُ إِلَيْهِ يَوْمَ الْقِيَامَةِ " .

USC-MSA web (English) reference : Book 48, Hadith 9
Arabic reference : Book 48, Hadith 1663

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "On the Day of Rising, Allah the Blessed, the Exalted, will not look at a person who drags his lower garment in arrogance."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَنْظُرُ اللَّهُ تَبَارَكَ وَتَعَالَى يَوْمَ الْقِيَامَةِ إِلَى مَنْ يَجُرُّ إِزَارَهُ بَطَرًا " .

USC-MSA web (English) reference : Book 48, Hadith 10
Arabic reference : Book 48, Hadith 1664

Yahya related to me from Malik from Nafi and Abdullah ibn Dinar and Zayd ibn Aslam that all of them informed him from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "On the Day of Rising, Allah will not look at a person who drags his garment in arrogance."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، وَعَبْدِ اللَّهِ بْنِ دِينَارٍ، وَزَيْدِ بْنِ أَسْلَمَ، كُلُّهُمْ يُخْبِرُهُ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَنْظُرُ اللَّهُ يَوْمَ الْقِيَامَةِ إِلَى مَنْ يَجُرُّ ثَوْبَهُ خُيَلاَءَ " .

USC-MSA web (English) reference : Book 48, Hadith 11
Arabic reference : Book 48, Hadith 1665

Yahya related to me from Malik from al Ala ibn Abd ar-Rahman that his father said, "I asked Abu Said al-Khudri about the lower garment. He said that he would inform me with knowledge and that he had heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'The lower garment of the mumin should reach to the middle of his calves. There is no harm in what is between that and the ankles. What is lower than that is in the Fire. What is lower than that is in the Fire. On the Day of Rising, Allah will not look at a person who trails his lower garment in arrogance.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، أَنَّهُ قَالَ سَأَلْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ عَنِ الإِزَارِ، فَقَالَ أَنَا أُخْبِرُكَ بِعِلْمٍ، سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " إِزْرَةُ الْمُؤْمِنِ إِلَى أَنْصَافِ سَاقَيْهِ لاَ جُنَاحَ عَلَيْهِ فِيمَا بَيْنَهُ وَبَيْنَ الْكَعْبَيْنِ مَا أَسْفَلَ مِنْ ذَلِكَ فَفِي النَّارِ مَا أَسْفَلَ مِنْ ذَلِكَ فَفِي النَّارِ لاَ يَنْظُرُ اللَّهُ يَوْمَ الْقِيَامَةِ إِلَى مَنْ جَرَّ إِزَارَهُ بَطَرًا " .

USC-MSA web (English) reference : Book 48, Hadith 12
Arabic reference : Book 48, Hadith 1666

Yahya related to me from Malik from Abu Bakr ibn Nafi from his father Nafi, the mawla of Ibn Umar that Safiyya bint Abi Ubayd informed him that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, said that when the lower garment of women was mentioned to the Messenger of Allah, he said, "She lets it down a handspan." Umm Salama said, "If it leaves her uncovered?" He said, "Then the length of a forearm and let her not increase it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي بَكْرِ بْنِ نَافِعٍ، عَنْ أَبِيهِ، نَافِعٍ مَوْلَى ابْنِ عُمَرَ عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ، أَنَّهَا أَخْبَرَتْهُ عَنْ أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا قَالَتْ حِينَ ذُكِرَ الإِزَارُ فَالْمَرْأَةُ يَا رَسُولَ اللَّهِ قَالَ " تُرْخِيهِ شِبْرًا " . قَالَتْ أُمُّ سَلَمَةَ إِذًا يَنْكَشِفُ عَنْهَا . قَالَ " فَذِرَاعًا لاَ تَزِيدُ عَلَيْهِ " .

USC-MSA web (English) reference : Book 48, Hadith 13
Arabic reference : Book 48, Hadith 1667

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not wear one sandal. Wear both of them or go with both feet bare."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَمْشِيَنَّ أَحَدُكُمْ فِي نَعْلٍ وَاحِدَةٍ لِيُنْعِلْهُمَا جَمِيعًا أَوْ لِيُحْفِهِمَا جَمِيعًا " .

USC-MSA web (English) reference : Book 48, Hadith 14
Arabic reference : Book 48, Hadith 1668

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you put on sandals, begin with the right foot. When you take them off, begin with the left foot. The right foot is the first to be put in the sandal and the last to be taken out."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا انْتَعَلَ أَحَدُكُمْ فَلْيَبْدَأْ بِالْيَمِينِ وَإِذَا نَزَعَ فَلْيَبْدَأْ بِالشِّمَالِ وَلْتَكُنِ الْيُمْنَى أَوَّلَهُمَا تُنْعَلُ وَآخِرَهُمَا تُنْزَعُ " .

USC-MSA web (English) reference : Book 48, Hadith 15
Arabic reference : Book 48, Hadith 1669

Yahya related to me from Malik from his paternal uncle Abu Suhayl ibn Malik from his father that Kab al-Ahbar said to a man who took off his sandals, "Why have you taken off your sandals? Perhaps you have interpreted this ayat, 'Remove your sandals. You are in the pure valley of Tuwa?' (Sura 20 ayat 12) Do you know what the sandals of Musa were?"

Malik (the father of Abu Suhayl) said, "I do not know what the man answered." Kab said, "They were made from the skin of a dead donkey."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، عَنْ كَعْبِ الأَحْبَارِ، أَنَّ رَجُلاً، نَزَعَ نَعْلَيْهِ فَقَالَ لِمَ خَلَعْتَ نَعْلَيْكَ لَعَلَّكَ تَأَوَّلْتَ هَذِهِ الآيَةَ {فَاخْلَعْ نَعْلَيْكَ إِنَّكَ بِالْوَادِي الْمُقَدَّسِ طُوًى}قَالَ ثُمَّ قَالَ كَعْبٌ لِلرَّجُلِ أَتَدْرِي مَا كَانَتْ نَعْلاَ مُوسَى قَالَ مَالِكٌ لاَ أَدْرِي مَا أَجَابَهُ الرَّجُلُ فَقَالَ كَعْبٌ كَانَتَا مِنْ جِلْدِ حِمَارٍ مَيِّتٍ .

USC-MSA web (English) reference : Book 48, Hadith 16
Arabic reference : Book 48, Hadith 1670

Yahya related to me from Malik from Abu'z-Zinad from al-Araj that Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, forbade two sales. Mulamasa, in which a man is obliged to buy whatever he touches without any choice in the matter, and munabadha, in which two men throw their garment to each other without either seeing the other's garment. He also forbade two ways of dressing. One in which a man sits with his legs drawn up to his chest wrapped in one garment that does not cover his genitals, and the other in which a man wraps a single garment over one arm and shoulder restricting them."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ نَهَى رَسُولُ اللَّهِ صلى الله عليه وسلم عَنْ لِبْسَتَيْنِ وَعَنْ بَيْعَتَيْنِ عَنِ الْمُلاَمَسَةِ وَعَنِ الْمُنَابَذَةِ وَعَنْ أَنْ يَحْتَبِيَ الرَّجُلُ فِي ثَوْبٍ وَاحِدٍ لَيْسَ عَلَى فَرْجِهِ مِنْهُ شَىْءٌ وَعَنْ أَنْ يَشْتَمِلَ الرَّجُلُ بِالثَّوْبِ الْوَاحِدِ عَلَى أَحَدِ شِقَّيْهِ .

USC-MSA web (English) reference : Book 48, Hadith 17
Arabic reference : Book 48, Hadith 1671

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab saw a silk robe at the door of the mosque. He said, "Messenger of Allah, would you buy this robe and wear it on jumua and when envoys come to you?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Only a person who has no portion in the next world wears this." Then the Messenger of Allah, may Allah bless him and grant him peace, was brought some robes of the same material and gave Umar ibn al-Khattab one of the robes. Umar said, "Messenger of Allah, do you clothe me in it when you said what you said about the robe of Utarid?" The Messenger of Allah, may Allah bless him and grant him peace, said, "I did not give it to you to wear." Umar gave it to a brother of his in Makka who was still an idolater.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، رَأَى حُلَّةً سِيَرَاءَ تُبَاعُ عِنْدَ بَابِ الْمَسْجِدِ فَقَالَ يَا رَسُولَ اللَّهِ لَوِ اشْتَرَيْتَ هَذِهِ الْحُلَّةَ فَلَبِسْتَهَا يَوْمَ الْجُمُعَةِ وَلِلْوَفْدِ إِذَا قَدِمُوا عَلَيْكَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّمَا يَلْبَسُ هَذِهِ مَنْ لاَ خَلاَقَ لَهُ فِي الآخِرَةِ " . ثُمَّ جَاءَ رَسُولَ اللَّهِ صلى الله عليه وسلم مِنْهَا حُلَلٌ فَأَعْطَى عُمَرَ بْنَ الْخَطَّابِ مِنْهَا حُلَّةً فَقَالَ عُمَرُ يَا رَسُولَ اللَّهِ أَكَسَوْتَنِيهَا وَقَدْ قُلْتَ فِي حُلَّةِ عُطَارِدٍ مَا قُلْتَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لَمْ أَكْسُكَهَا لِتَلْبَسَهَا " . فَكَسَاهَا عُمَرُ أَخًا لَهُ مُشْرِكًا بِمَكَّةَ .

USC-MSA web (English) reference : Book 48, Hadith 18
Arabic reference : Book 48, Hadith 1672

Yahya related to me from Malik that Ishaq ibn Abdullah ibn Abi Talha said, "Anas ibn Malik said, 'I saw Umar ibn al-Khattab when he was the amir of Madina. Three patches were sewn between his shoulders, one patched over the other.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، أَنَّهُ قَالَ قَالَ أَنَسُ بْنُ مَالِكٍ رَأَيْتُ عُمَرَ بْنَ الْخَطَّابِ وَهُوَ يَوْمَئِذٍ أَمِيرُ الْمَدِينَةِ وَقَدْ رَقَعَ بَيْنَ كَتِفَيْهِ بِرُقَعٍ ثَلاَثٍ لَبَّدَ بَعْضَهَا فَوْقَ بَعْضٍ .

USC-MSA web (English) reference : Book 48, Hadith 19
Arabic reference : Book 48, Hadith 1673

49 - The Description of the Prophet, may Allah Bless Him and Grant Him Peace

كتاب صفة النبى صلى الله عليه وسلم

Yahya related to me from Malik that Rabia ibn Abi Abd ar-Rahman heard Anas ibn Malik say, "The Messenger of Allah, may Allah bless him and grant him peace, was not excessively tall or short. He was not very pallid nor dark. He did not have curly hair or lank hair. Allah commissioned him at the age of forty. He stayed in Makka ten years and at Madina for ten years and Allah the Mighty, the Majestic made him die when he was sixty. There were not twenty white hairs in his hair or beard, may Allah bless him and grant him peace."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ سَمِعَهُ يَقُولُ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم لَيْسَ بِالطَّوِيلِ الْبَائِنِ وَلاَ بِالْقَصِيرِ وَلَيْسَ بِالأَبْيَضِ الأَمْهَقِ وَلاَ بِالآدَمِ وَلاَ بِالْجَعْدِ الْقَطَطِ وَلاَ بِالسَّبِطِ بَعَثَهُ اللَّهُ عَلَى رَأْسِ أَرْبَعِينَ سَنَةً فَأَقَامَ بِمَكَّةَ عَشْرَ سِنِينَ وَبِالْمَدِينَةِ عَشْرَ سِنِينَ وَتَوَفَّاهُ اللَّهُ عَزَّ وَجَلَّ عَلَى رَأْسِ سِتِّينَ سَنَةً وَلَيْسَ فِي رَأْسِهِ وَلِحْيَتِهِ عِشْرُونَ شَعْرَةً بَيْضَاءَ صلى الله عليه وسلم .

USC-MSA web (English) reference : Book 49, Hadith 1
Arabic reference : Book 49, Hadith 1674

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "I dreamt at night that I was at the Kaba, and I saw a dark man like the most handsome of dark men you have ever seen. He had hair reaching to between his ears and his shoulders like the most excellent of such hair that you have seen. He had combed his hair, and water was dripping from it. He was leaning on two men or on the shoulders of two men doing tawaf around Kaba. I asked, 'Who is this?' It was said, 'al- Masih ibn Maryam.' Then we were with a man with wiry hair and blind in his right eye, as if it was a floating grape. I asked 'Who is this?' It was said to me, 'This is al-Masih ad-Dajjal.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَرَانِي اللَّيْلَةَ عِنْدَ الْكَعْبَةِ فَرَأَيْتُ رَجُلاً آدَمَ كَأَحْسَنِ مَا أَنْتَ رَاءٍ مِنْ أُدْمِ الرِّجَالِ لَهُ لِمَّةٌ كَأَحْسَنِ مَا أَنْتَ رَاءٍ مِنَ اللِّمَمِ قَدْ رَجَّلَهَا فَهِيَ تَقْطُرُ مَاءً مُتَّكِئًا عَلَى رَجُلَيْنِ - أَوْ عَلَى عَوَاتِقِ رَجُلَيْنِ - يَطُوفُ بِالْكَعْبَةِ فَسَأَلْتُ مَنْ هَذَا قِيلَ هَذَا الْمَسِيحُ ابْنُ مَرْيَمَ ثُمَّ إِذَا أَنَا بِرَجُلٍ جَعْدٍ قَطَطٍ أَعْوَرِ الْعَيْنِ الْيُمْنَى كَأَنَّهَا عِنَبَةٌ طَافِيَةٌ فَسَأَلْتُ مَنْ هَذَا فَقِيلَ لِي هَذَا الْمَسِيحُ الدَّجَّالُ " .

USC-MSA web (English) reference : Book 49, Hadith 2
Arabic reference : Book 49, Hadith 1675

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi from his father that Abu Hurayra said, "There are five things from the fitra:

cutting the nails, trimming the moustache, removing the hair from the armpit, shaving the pubic region and circumcision."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ خَمْسٌ مِنَ الْفِطْرَةِ تَقْلِيمُ الأَظَافِرِ وَقَصُّ الشَّارِبِ وَنَتْفُ الإِبْطِ وَحَلْقُ الْعَانَةِ وَالاِخْتِتَانُ .

USC-MSA web (English) reference : Book 49, Hadith 3
Arabic reference : Book 49, Hadith 1676

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyub said, "Ibrahim, may Allah bless him and grant him peace, was the first to give hospitality to the guest and the first person to be circumcised and the first person to trim the moustache and the first person to see grey hair. He said, 'O Lord! What is this?' Allah the Blessed, the Exalted, said, 'It is dignity, Ibrahim.' He said, 'Lord, increase me in dignity!' "

Yahya said that he had heard Malik say, "One takes from the moustache until the edge of the lip appears, that is the rim. One does not cut if off completely so that one mutilates oneself."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ كَانَ إِبْرَاهِيمُ صلى الله عليه وسلم أَوَّلَ النَّاسِ ضَيَّفَ الضَّيْفَ وَأَوَّلَ النَّاسِ اخْتَتَنَ وَأَوَّلَ النَّاسِ قَصَّ الشَّارِبَ وَأَوَّلَ النَّاسِ رَأَى الشَّيْبَ فَقَالَ يَا رَبِّ مَا هَذَا فَقَالَ اللَّهُ تَبَارَكَ وَتَعَالَى وَقَارٌ يَا إِبْرَاهِيمُ . فَقَالَ رَبِّ زِدْنِي وَقَارًا . قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا يَقُولُ يُؤْخَذُ مِنَ الشَّارِبِ حَتَّى يَبْدُوَ طَرَفُ الشَّفَةِ وَهُوَ الإِطَارُ وَلاَ يَجُزُّهُ فَيُمَثِّلُ بِنَفْسِهِ .

USC-MSA web (English) reference : Book 49, Hadith 4
Arabic reference : Book 49, Hadith 1677

Yahya related to me from Malik from Abu'z-Zubayr from Jabir ibn Abdullah as-Salami that the Messenger of Allah, may Allah bless him and grant him peace, forbade a man to eat with his left hand or walk in one sandal or wrap a single garment around his drawn-up legs exposing his genitals.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ السَّلَمِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى أَنْ يَأْكُلَ الرَّجُلُ بِشِمَالِهِ أَوْ يَمْشِيَ فِي نَعْلٍ وَاحِدَةٍ وَأَنْ يَشْتَمِلَ الصَّمَّاءَ وَأَنْ يَحْتَبِيَ فِي ثَوْبٍ وَاحِدٍ كَاشِفًا عَنْ فَرْجِهِ .

USC-MSA web (English) reference : Book 49, Hadith 5
Arabic reference : Book 49, Hadith 1678

Yahya related to me from Malik from Ibn Shihab from Abu Bakr ibn Ubaydullah ibn Abdullah ibn Umar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you eat, eat with your right hand and drink with your right hand. Shaytan eats with his left hand and drinks with his left hand."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا أَكَلَ أَحَدُكُمْ فَلْيَأْكُلْ بِيَمِينِهِ وَلْيَشْرَبْ بِيَمِينِهِ فَإِنَّ الشَّيْطَانَ يَأْكُلُ بِشِمَالِهِ وَيَشْرَبُ بِشِمَالِهِ " .

USC-MSA web (English) reference : Book 49, Hadith 6
Arabic reference : Book 49, Hadith 1679

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The very poor are not the people who constantly walk from person to person and are given one or two morsels, and one or two dates." They said, "Who are the very poor, Messenger of

Allah?" He said, "People who do not find enough for themselves and other people are not aware of them to give sadaqa to them, and they do not start begging from other people."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لَيْسَ الْمِسْكِينُ بِهَذَا الطَّوَّافِ الَّذِي يَطُوفُ عَلَى النَّاسِ فَتَرُدُّهُ اللُّقْمَةُ وَاللُّقْمَتَانِ وَالتَّمْرَةُ وَالتَّمْرَتَانِ " . قَالُوا فَمَا الْمِسْكِينُ يَا رَسُولَ اللَّهِ قَالَ " الَّذِي لاَ يَجِدُ غِنًى يُغْنِيهِ وَلاَ يَفْطُنُ النَّاسُ لَهُ فَيُتَصَدَّقَ عَلَيْهِ وَلاَ يَقُومُ فَيَسْأَلَ النَّاسَ " .

USC-MSA web (English) reference : Book 49, Hadith 7
Arabic reference : Book 49, Hadith 1680

Yahya related to me from Malik from Zayd ibn Aslam from Ibn Bujayd (formerly al-Ansari) from his grandmother that the Messenger of Allah, may Allah bless him and grant him peace, said, "Give to the very poor, if only a roasted hoof."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنِ ابْنِ بُجَيْدٍ الأَنْصَارِيِّ، ثُمَّ الْحَارِثِيِّ عَنْ جَدَّتِهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " رُدُّوا الْمِسْكِينَ وَلَوْ بِظِلْفٍ مُحْرَقٍ " .

USC-MSA web (English) reference : Book 49, Hadith 8
Arabic reference : Book 49, Hadith 1681

Yahya related to me from Malik from Abu'z-Zinad from al-Araj that Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'The muslim eats in one intestine, and the kafir eats in seven!' "

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " يَأْكُلُ الْمُسْلِمُ فِي مِعًى وَاحِدٍ وَالْكَافِرُ يَأْكُلُ فِي سَبْعَةِ أَمْعَاءٍ " .

USC-MSA web (English) reference : Book 49, Hadith 9
Arabic reference : Book 49, Hadith 1682

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, gave hospitality to a kafir guest. The Messenger of Allah, may Allah bless him and grant him peace, ordered a sheep to be brought for him and it was milked. He drank its milk. Then another came, and he drank it. Then another came and he drank it until he had drunk the milk of seven sheep. In the morning he became muslim, and the Messenger of Allah, may Allah bless him and grant him peace, ordered a sheep for him. It was milked and he drank its milk. Then he ordered another for him and he could not finish it. The Messenger of Allah, may Allah bless him and grant him peace, said, "The mumin drinks in one intestine, and the kafir drinks in seven intestines."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم ضَافَهُ ضَيْفٌ كَافِرٌ فَأَمَرَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم بِشَاةٍ فَحُلِبَتْ فَشَرِبَ حِلاَبَهَا ثُمَّ أُخْرَى فَشَرِبَهُ ثُمَّ أُخْرَى فَشَرِبَهُ حَتَّى شَرِبَ حِلاَبَ سَبْعِ شِيَاهٍ ثُمَّ إِنَّهُ أَصْبَحَ فَأَسْلَمَ فَأَمَرَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم بِشَاةٍ فَحُلِبَتْ فَشَرِبَ حِلاَبَهَا ثُمَّ أَمَرَ لَهُ بِأُخْرَى فَلَمْ يَسْتَتِمَّهَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " الْمُؤْمِنُ يَشْرَبُ فِي مِعًى وَاحِدٍ وَالْكَافِرُ يَشْرَبُ فِي سَبْعَةِ أَمْعَاءٍ " .

USC-MSA web (English) reference : Book 49, Hadith 10

Arabic reference : Book 49, Hadith 1683

Yahya related to me from Malik from Nafi from Zayd ibn Abdullah ibn Umar ibn al-Khattab from Abdullah ibn Abd ar-Rahman ibn Abi Bakras-Siddiq from Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said, "A person who drinks from a silver vessel brings the fire of Jahannam into his belly."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ زَيْدِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ، عَنْ أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الَّذِي يَشْرَبُ فِي آنِيَةِ الْفِضَّةِ إِنَّمَا يُجَرْجِرُ فِي بَطْنِهِ نَارَ جَهَنَّمَ " .

USC-MSA web (English) reference : Book 49, Hadith 11
Arabic reference : Book 49, Hadith 1684

Yahya related to me from Malik from Ayyub ibn Habib, the mawla of Sad ibn Abi Waqqas that Abu'l-Muthanna al-Juhani said, "I was with Marwan ibn al-Hakam and Abu Said al-Khudri came to him. Marwan ibn al- Hakam said to him, 'Have you heard that the Messenger of Allah, may Allah bless him and grant him peace, forbade blowing into drinks?' Abu Said said to him, 'Yes.' A man said to him, 'Messenger of Allah, I am not quenched from one breath.' The Messenger of Allah, may Allah bless him and grant him peace, said to him, 'Remove the cup from your mouth and then breathe.' He said, 'Sometimes I see something floating in it?' He said, 'Then pour it out.'"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَيُّوبَ بْنِ حَبِيبٍ، مَوْلَى سَعْدِ بْنِ أَبِي وَقَّاصٍ عَنْ أَبِي الْمُثَنَّى الْجُهَنِيِّ، أَنَّهُ قَالَ كُنْتُ عِنْدَ مَرْوَانَ بْنِ الْحَكَمِ فَدَخَلَ عَلَيْهِ أَبُو سَعِيدٍ الْخُدْرِيُّ فَقَالَ لَهُ مَرْوَانُ بْنُ الْحَكَمِ أَسَمِعْتَ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم أَنَّهُ نَهَى عَنِ النَّفْخِ فِي الشَّرَابِ فَقَالَ لَهُ أَبُو سَعِيدٍ نَعَمْ فَقَالَ لَهُ رَجُلٌ يَا رَسُولَ اللَّهِ إِنِّي لاَ أَرْوَى مِنْ نَفَسٍ وَاحِدٍ . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " فَأَبِنِ الْقَدَحَ عَنْ فِيكَ ثُمَّ تَنَفَّسْ " . قَالَ فَإِنِّي أَرَى الْقَذَاةَ فِيهِ . قَالَ " فَأَهْرِقْهَا " .

USC-MSA web (English) reference : Book 49, Hadith 12
Arabic reference : Book 49, Hadith 1685

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab and Ali ibn Abi Talib and Uthman ibn Affan drank while standing.

حَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَعَلِيَّ بْنَ أَبِي طَالِبٍ، وَعُثْمَانَ بْنَ عَفَّانَ، كَانُوا يَشْرَبُونَ قِيَامًا .

USC-MSA web (English) reference : Book 49, Hadith 13
Arabic reference : Book 49, Hadith 1686

Yahya related to me from Malik from Ibn Shihab that A'isha, umm al-muminin and Sad ibn Abi Waqqas did not see any harm in a man drinking while standing.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ، وَسَعْدَ بْنَ أَبِي وَقَّاصٍ، كَانَا لاَ يَرَيَانِ بِشُرْبِ الإِنْسَانِ وَهُوَ قَائِمٌ بَأْسًا .

USC-MSA web (English) reference : Book 49, Hadith 14
Arabic reference : Book 49, Hadith 1687

Yahya related to me from Malik that Abu Jafar al-Qari said, "I saw Abdullah ibn Umar drink while standing."

وَحَدَّثَنِي مَالِكٌ، عَنْ أَبِي جَعْفَرٍ الْقَارِيِّ، أَنَّهُ قَالَ رَأَيْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ يَشْرَبُ قَائِمًا .

USC-MSA web (English) reference : Book 49, Hadith 15
Arabic reference : Book 49, Hadith 1688

Yahya related to me from Malik from Amir ibn Abdullah ibn az- Zubayr that his father used to drink while standing.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَامِرِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَشْرَبُ قَائِمًا .

USC-MSA web (English) reference : Book 49, Hadith 16
Arabic reference : Book 49, Hadith 1689

Yahya related to me from Malik from Ibn Shihab from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, was brought some milk which was mixed with well-water. There was a Bedouin at his right side and Abu Bakr as-Siddiq on his left. He drank and then gave it to the Bedouin and said, "The right-hand to the right-hand."

حَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أُتِيَ بِلَبَنٍ قَدْ شِيبَ بِمَاءٍ مِنَ الْبِئْرِ وَعَنْ يَمِينِهِ أَعْرَابِيٌّ وَعَنْ يَسَارِهِ أَبُو بَكْرٍ الصِّدِّيقُ فَشَرِبَ ثُمَّ أَعْطَى الأَعْرَابِيَّ وَقَالَ " الأَيْمَنَ فَالأَيْمَنَ " .

USC-MSA web (English) reference : Book 49, Hadith 17
Arabic reference : Book 49, Hadith 1690

Yahya related to me from Malik from Abu Hazim ibn Dinar from Sahl ibn Sad al-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, was brought a drink and he drank some of it. There was a boy at his right and some old men on his left. He said to the boy, "Will you give me permission to give it to these people?" The boy said, "No, Messenger of Allah, I will not prefer anyone to get my portion from you." He said, "So the Messenger of Allah, may Allah bless him and grant him peace, placed it in his hand."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي حَازِمِ بْنِ دِينَارٍ، عَنْ سَهْلِ بْنِ سَعْدٍ الأَنْصَارِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أُتِيَ بِشَرَابٍ فَشَرِبَ مِنْهُ وَعَنْ يَمِينِهِ غُلاَمٌ وَعَنْ يَسَارِهِ الأَشْيَاخُ فَقَالَ لِلْغُلاَمِ " أَتَأْذَنُ لِي أَنْ أُعْطِيَ هَؤُلاَءِ " . فَقَالَ الْغُلاَمُ لاَ وَاللَّهِ يَا رَسُولَ اللَّهِ لاَ أُوثِرُ بِنَصِيبِي مِنْكَ أَحَدًا . قَالَ فَتَلَّهُ رَسُولُ اللَّهِ صلى الله عليه وسلم فِي يَدِهِ .

USC-MSA web (English) reference : Book 49, Hadith 18
Arabic reference : Book 49, Hadith 1691

Yahya related to me from Malik that Ishaq ibn Abdullah ibn Abi Talha heard Anas ibn Malik say that Abu Talha had said to Umm Sulaym, "I have just been listening to the Messenger of Allah, may Allah bless him and grant him peace, and his voice was very weak. I recognised hunger in it, so, do you have anything?" She replied, "Yes," and brought out some barley loaves. She took her long head scarf and wrapped up the bread with part of it and put it into my (Anas's) hand and gave me part of it to wear. Then she sent me to the Messenger of Allah, may Allah bless him and grant him peace."

Anas continued, "I took it, and I found the Messenger of Allah, may Allah bless him and grant him peace, sitting in the mosque with some people. I watched them. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Did Abu Talha send you?' I replied, 'Yes.' He said, 'For food?' I said, 'Yes.' The Messenger of Allah, may Allah bless him and grant him peace, said to those with him, 'Let us go.' He set off and I went among them until I came to

Abu Talha and told him. Abu Talha said, 'Umm Sulaym! The Messenger of Allah, may Allah bless him and grant him peace, has brought people and we have no food. What shall we give them to eat?' She said, 'Allah and His Messenger know best.' "
Anas continued, "Abu Talha went out and met the Messenger of Allah, may Allah bless him and grant him peace, and the Messenger of Allah, may Allah bless him and grant him peace, approached with Abu Talha until they entered. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Come now, Umm Sulaym, what have you got?' She brought out bread. The Messenger of Allah, may Allah bless him and grant him peace, ordered it to be broken into pieces, and Umm Sulaym squeezed out onto it a container of clarified butter which she had seasoned. Then the Messenger of Allah, may Allah bless him and grant him peace, said whatever Allah wished him to say, and said, 'Will you give permission for ten of them to come in?' He gave them permission, and they ate until they were full and then left. He said, 'Give permission to ten more.' He gave them permission, and they ate until they were full and left. Then he said, 'Give permission to ten more.' He gave them permission and they ate until they were full and left. Then he said, 'Give permission to ten more.' He gave permission and they ate until they were full and left. There were seventy or eighty men."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ، يَقُولُ قَالَ أَبُو طَلْحَةَ لأُمِّ سُلَيْمٍ لَقَدْ سَمِعْتُ صَوْتَ، رَسُولِ اللَّهِ صلى الله عليه وسلم ضَعِيفًا أَعْرِفُ فِيهِ الْجُوعَ فَهَلْ عِنْدَكِ مِنْ شَىْءٍ فَقَالَتْ نَعَمْ . فَأَخْرَجَتْ أَقْرَاصًا مِنْ شَعِيرٍ ثُمَّ أَخَذَتْ خِمَارًا لَهَا فَلَفَّتِ الْخُبْزَ بِبَعْضِهِ ثُمَّ دَسَّتْهُ تَحْتَ يَدِي وَرَدَّتْنِي بِبَعْضِهِ ثُمَّ أَرْسَلَتْنِي إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم قَالَ فَذَهَبْتُ بِهِ فَوَجَدْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم جَالِسًا فِي الْمَسْجِدِ وَمَعَهُ النَّاسُ فَقُمْتُ عَلَيْهِمْ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " آرْسَلَكَ أَبُو طَلْحَةَ " . قَالَ فَقُلْتُ نَعَمْ . قَالَ " لِلطَّعَامِ " . فَقُلْتُ نَعَمْ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم لِمَنْ مَعَهُ " قُومُوا " . قَالَ فَانْطَلَقَ وَانْطَلَقْتُ بَيْنَ أَيْدِيهِمْ حَتَّى جِئْتُ أَبَا طَلْحَةَ فَأَخْبَرْتُهُ فَقَالَ أَبُو طَلْحَةَ يَا أُمَّ سُلَيْمٍ قَدْ جَاءَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِالنَّاسِ وَلَيْسَ عِنْدَنَا مِنَ الطَّعَامِ مَا نُطْعِمُهُمْ . فَقَالَتِ اللَّهُ وَرَسُولُهُ أَعْلَمُ . قَالَ فَانْطَلَقَ أَبُو طَلْحَةَ حَتَّى لَقِيَ رَسُولَ اللَّهِ صلى الله عليه وسلم فَأَقْبَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم وَأَبُو طَلْحَةَ مَعَهُ حَتَّى دَخَلاَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " هَلُمِّي يَا أُمَّ سُلَيْمٍ مَا عِنْدَكِ " . فَأَتَتْ بِذَلِكَ الْخُبْزِ فَأَمَرَ بِهِ رَسُولُ اللَّهِ صلى الله عليه وسلم فَفُتَّ وَعَصَرَتْ عَلَيْهِ أُمُّ سُلَيْمٍ عُكَّةً لَهَا فَآدَمَتْهُ ثُمَّ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم مَا شَاءَ اللَّهُ أَنْ يَقُولَ ثُمَّ قَالَ " ائْذَنْ لِعَشَرَةٍ بِالدُّخُولِ " . فَأَذِنَ لَهُمْ فَأَكَلُوا حَتَّى شَبِعُوا ثُمَّ خَرَجُوا ثُمَّ قَالَ " ائْذَنْ لِعَشَرَةٍ " . فَأَذِنَ لَهُمْ فَأَكَلُوا حَتَّى شَبِعُوا ثُمَّ خَرَجُوا ثُمَّ قَالَ " ائْذَنْ لِعَشَرَةٍ " . فَأَذِنَ لَهُمْ فَأَكَلُوا حَتَّى شَبِعُوا ثُمَّ خَرَجُوا ثُمَّ قَالَ " ائْذَنْ لِعَشَرَةٍ " . فَأَذِنَ لَهُمْ فَأَكَلُوا حَتَّى شَبِعُوا ثُمَّ خَرَجُوا ثُمَّ قَالَ " ائْذَنْ لِعَشَرَةٍ " . حَتَّى أَكَلَ الْقَوْمُ كُلُّهُمْ وَشَبِعُوا وَالْقَوْمُ سَبْعُونَ رَجُلاً أَوْ ثَمَانُونَ رَجُلاً .

USC-MSA web (English) reference : Book 49, Hadith 19
Arabic reference : Book 49, Hadith 1692

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The food of two is enough for three, and the food of three is enough for four."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " طَعَامُ الاِثْنَيْنِ كَافِي الثَّلاَثَةِ وَطَعَامُ الثَّلاَثَةِ كَافِي الأَرْبَعَةِ " .

USC-MSA web (English) reference : Book 49, Hadith 20
Arabic reference : Book 49, Hadith 1693

Yahya related to me from Malik from Abu'z-Zubayr al-Makki from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, said, "Lock the door, tie the waterskin, turn the vessel over or cover it, and put out the lamp. Shaytan does not open a locked door or untie a tied knot, or uncover a vessel. A mouse may set fire to people's houses about them."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَغْلِقُوا الْبَابَ وَأَوْكُوا السِّقَاءَ وَأَكْفِئُوا الإِنَاءَ - أَوْ خَمِّرُوا الإِنَاءَ - وَأَطْفِئُوا الْمِصْبَاحَ فَإِنَّ الشَّيْطَانَ لاَ يَفْتَحُ غَلَقًا وَلاَ يَحُلُّ وِكَاءً وَلاَ يَكْشِفُ إِنَاءً وَإِنَّ الْفُوَيْسِقَةَ تُضْرِمُ عَلَى النَّاسِ بَيْتَهُمْ " .

USC-MSA web (English) reference : Book 49, Hadith 21
Arabic reference : Book 49, Hadith 1694

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi from Abu Shurayh al-Kabi that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever believes in Allah and the Last Day should speak good or be silent. Whoever believes in Allah and the Last Day should be generous to his neighbour. Whoever believes in Allah and the Last Day, should be generous to his guest. His welcome is for a day and a night, and his hospitality is for three days. Whatever is more than that is sadaqa. It is not halal for a guest to stay with a man until he becomes a burden."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي شُرَيْحٍ الْكَعْبِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الآخِرِ فَلْيَقُلْ خَيْرًا أَوْ لِيَصْمُتْ وَمَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الآخِرِ فَلْيُكْرِمْ جَارَهُ وَمَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الآخِرِ فَلْيُكْرِمْ ضَيْفَهُ جَائِزَتُهُ يَوْمٌ وَلَيْلَةٌ وَضِيَافَتُهُ ثَلاَثَةُ أَيَّامٍ فَمَا كَانَ بَعْدَ ذَلِكَ فَهُوَ صَدَقَةٌ وَلاَ يَحِلُّ لَهُ أَنْ يَثْوِيَ عِنْدَهُ حَتَّى يُحْرِجَهُ " .

USC-MSA web (English) reference : Book 49, Hadith 22
Arabic reference : Book 49, Hadith 1695

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A man was walking on a road when he became very thirsty. He found a well and went into it and drank and came out. There was a dog panting and eating earth out of thirst. The man said, 'This dog has become as thirsty as I was.' He went down into the well and filled his shoe and then held it in his mouth until he climbed out and gave the dog water to drink. Allah thanked him for it and forgave him." They said, "Messenger of Allah, do we have a reward for taking care of beasts?" He said, "There is a reward for every one with a moist liver."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرٍ عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " بَيْنَمَا رَجُلٌ يَمْشِي بِطَرِيقٍ إِذِ اشْتَدَّ عَلَيْهِ الْعَطَشُ فَوَجَدَ بِئْرًا فَنَزَلَ فِيهَا فَشَرِبَ وَخَرَجَ فَإِذَا كَلْبٌ يَلْهَثُ يَأْكُلُ الثَّرَى مِنَ الْعَطَشِ فَقَالَ الرَّجُلُ لَقَدْ بَلَغَ هَذَا الْكَلْبَ مِنَ الْعَطَشِ مِثْلُ الَّذِي بَلَغَ مِنِّي فَنَزَلَ الْبِئْرَ فَمَلأَ خُفَّهُ ثُمَّ أَمْسَكَهُ بِفِيهِ حَتَّى رَقِيَ فَسَقَى الْكَلْبَ فَشَكَرَ اللَّهُ لَهُ فَغَفَرَ لَهُ " . فَقَالُوا يَا رَسُولَ اللَّهِ وَإِنَّ لَنَا فِي الْبَهَائِمِ لأَجْرًا فَقَالَ " فِي كُلِّ ذَاتِ كَبِدٍ رَطْبَةٍ أَجْرٌ " .

USC-MSA web (English) reference : Book 49, Hadith 23
Arabic reference : Book 49, Hadith 1696

Yahya related to me from Malik from Wahb ibn Kaysan that Jabir ibn Abdullah said, "The Messenger of Allah, may Allah bless him and grant him peace, sent a delegation to the coast. Abu Ubayda ibn al- Jarrah was in command of them. There were 300 people and I was among them. We went out until we had gone part of the way and our provisions were finished. Abu Ubayda ordered that the provisions of the army be gathered up and they amounted to two containers of dates. He used to give us a little provision from it each day until it was finished, and we used to have only a single date each. I said, 'What use is one date?' He said, 'We will certainly feel its loss when they are finished.' "

Jabir continued, "Then we reached the sea and there was a fish like a small mountain. The army ate from it for eighteen nights. Then Abu Ubayda ordered two ribs from it to be set up. Then he commanded that a camel be ridden underneath them and it did not touch them."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ وَهْبِ بْنِ كَيْسَانَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ قَالَ بَعَثَ رَسُولُ اللَّهِ صلى الله عليه وسلم بَعْثًا قِبَلَ السَّاحِلِ فَأَمَّرَ عَلَيْهِمْ أَبَا عُبَيْدَةَ بْنَ الْجَرَّاحِ وَهُمْ ثَلاَثُمِائَةٍ . قَالَ وَأَنَا فِيهِمْ - قَالَ - فَخَرَجْنَا حَتَّى إِذَا كُنَّا بِبَعْضِ الطَّرِيقِ فَنِيَ الزَّادُ فَأَمَرَ أَبُو عُبَيْدَةَ بِأَزْوَادِ ذَلِكَ الْجَيْشِ فَجُمِعَ ذَلِكَ كُلُّهُ فَكَانَ مِزْوَدَىْ تَمْرٍ - قَالَ - فَكَانَ يُقَوِّتُنَاهُ كُلَّ يَوْمٍ قَلِيلاً قَلِيلاً حَتَّى فَنِيَ وَلَمْ تُصِبْنَا إِلاَّ تَمْرَةٌ تَمْرَةٌ فَقُلْتُ وَمَا تُغْنِي تَمْرَةٌ فَقَالَ لَقَدْ وَجَدْنَا فَقْدَهَا حِينَ فَنِيَتْ - قَالَ - ثُمَّ انْتَهَيْنَا إِلَى الْبَحْرِ فَإِذَا حُوتٌ مِثْلُ الظَّرِبِ فَأَكَلَ مِنْهُ ذَلِكَ الْجَيْشُ ثَمَانِيَ عَشْرَةَ لَيْلَةً ثُمَّ أَمَرَ أَبُو عُبَيْدَةَ بِضِلَعَيْنِ مِنْ أَضْلاَعِهِ فَنُصِبَا ثُمَّ أَمَرَ بِرَاحِلَةٍ فَرُحِلَتْ ثُمَّ مَرَّتْ تَحْتَهُمَا وَلَمْ تُصِبْهُمَا

USC-MSA web (English) reference : Book 49, Hadith 24
Arabic reference : Book 49, Hadith 1697

Yahya related to me from Malik from Zayd ibn Aslam from Amr ibn Sad ibn Muadh from his grandmother that the Messenger of Allah, may Allah bless him and grant him peace, said, "O trusting women, none of you must consider even a roasted sheep's trotter too small to give to her neighbour."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَمْرِو بْنِ سَعْدِ بْنِ مُعَاذٍ، عَنْ جَدَّتِهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " يَا نِسَاءَ الْمُؤْمِنَاتِ لاَ تَحْقِرَنَّ إِحْدَاكُنَّ لِجَارَتِهَا وَلَوْ كُرَاعَ شَاةٍ مُحْرَقًا " .

USC-MSA web (English) reference : Book 49, Hadith 25
Arabic reference : Book 49, Hadith 1698

Yahya related to me from Malik that Abdullah ibn Abi Bakr said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'May Allah curse the jews! They were forbidden to eat fat, so they sold it and ate its price.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " قَاتَلَ اللَّهُ الْيَهُودَ نُهُوا عَنْ أَكْلِ الشَّحْمِ فَبَاعُوهُ فَأَكَلُوا ثَمَنَهُ " .

USC-MSA web (English) reference : Book 49, Hadith 26
Arabic reference : Book 49, Hadith 1699

Yahya related to me from Malik that he had heard that Isa ibn Maryam used to say, "O Banu Israil! You must drink pure water and the green things of the land and barley bread . Beware of wheat bread, for you will not be grateful enough for it."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ عِيسَى ابْنَ مَرْيَمَ، كَانَ يَقُولُ يَا بَنِي إِسْرَائِيلَ عَلَيْكُمْ بِالْمَاءِ الْقَرَاحِ وَالْبَقْلِ الْبَرِّيِّ وَخُبْزِ الشَّعِيرِ وَإِيَّاكُمْ وَخُبْزَ الْبُرِّ فَإِنَّكُمْ لَنْ تَقُومُوا بِشُكْرِهِ ‏.‏

USC-MSA web (English) reference : Book 49, Hadith 27
Arabic reference : Book 49, Hadith 1700

Yahya related to me from Malik that he heard that the Messenger of Allah, may Allah bless him and grant him peace, entered the mosque and found Abu Bakr as-Siddiq and Umar ibn al-Khattab there. He questioned them and they said, "Hunger has driven us out." The Messenger of Allah, may Allah bless him and grant him peace, said, "And hunger has brought me out." They went to Abu'l-Haytham ibn at- Tayyihan al-Ansari. He ordered that some barley that was in the house be prepared and he got up to slaughter a sheep for them. The Messenger of Allah, may Allah bless him and grant him peace, said, "Leave the one with milk." He slaughtered a sheep for them and brought them sweet water and it was hung on a palm-tree. Then they were brought the food and ate it and drank the water. The Messenger of Allah, may Allah bless him and grant him peace, recited, "Then, on that day, you will be asked concerning pleasure." (Sura 102 ayat 8).

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم دَخَلَ الْمَسْجِدَ فَوَجَدَ فِيهِ أَبَا بَكْرٍ الصِّدِّيقَ وَعُمَرَ بْنَ الْخَطَّابِ فَسَأَلَهُمَا فَقَالاَ أَخْرَجَنَا الْجُوعُ ‏.‏ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ وَأَنَا أَخْرَجَنِي الْجُوعُ ‏"‏ ‏.‏ فَذَهَبُوا إِلَى أَبِي الْهَيْثَمِ بْنِ التَّيِّهَانِ الأَنْصَارِيِّ فَأَمَرَ لَهُمْ بِشَعِيرٍ عِنْدَهُ يُعْمَلُ وَقَامَ يَذْبَحُ لَهُمْ شَاةً فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ نَكِّبْ عَنْ ذَاتِ الدَّرِّ ‏"‏ ‏.‏ فَذَبَحَ لَهُمْ شَاةً وَاسْتَعْذَبَ لَهُمْ مَاءً فَعُلِّقَ فِي نَخْلَةٍ ثُمَّ أُتُوا بِذَلِكَ الطَّعَامِ فَأَكَلُوا مِنْهُ وَشَرِبُوا مِنْ ذَلِكَ الْمَاءِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ لَتُسْئَلُنَّ عَنْ نَعِيمِ هَذَا الْيَوْمِ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 49, Hadith 28
Arabic reference : Book 49, Hadith 1701

Yahya related to me from Malik from Yahya ibn Said that Umar ibn al-Khattab was eating bread with ghee. He summoned one of the desert people and he began to eat and follow the grease in the dish with a morsel of bread. Umar said, "It is as if you were poor." He said, "By Allah. I have not eaten ghee nor have I seen food with it since such- and-such a time." Umar declared, "I shall not eat clarified butter until people are given life again like they were first given life," (i.e. on the Day of Rising.)

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَأْكُلُ خُبْزًا بِسَمْنٍ فَدَعَا رَجُلاً مِنْ أَهْلِ الْبَادِيَةِ فَجَعَلَ يَأْكُلُ وَيَتَّبِعُ بِاللُّقْمَةِ وَضَرَ الصَّحْفَةِ فَقَالَ عُمَرُ كَأَنَّكَ مُقْفِرٌ ‏.‏ فَقَالَ وَاللَّهِ مَا أَكَلْتُ سَمْنًا وَلاَ رَأَيْتُ أَكْلاً بِهِ مُنْذُ كَذَا وَكَذَا ‏.‏ فَقَالَ عُمَرُ لاَ آكُلُ السَّمْنَ حَتَّى يَحْيَا النَّاسُ مِنْ أَوَّلِ مَا يَحْيَوْنَ ‏.‏

USC-MSA web (English) reference : Book 49, Hadith 29
Arabic reference : Book 49, Hadith 1702

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik said, "I saw Umar ibn al-Khattab when he was amir al-muminin being given a sa of dates, and he ate all of them, even the inferior ones."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ رَأَيْتُ عُمَرَ بْنَ الْخَطَّابِ - وَهُوَ يَوْمَئِذٍ أَمِيرُ الْمُؤْمِنِينَ - يُطْرَحُ لَهُ صَاعٌ مِنْ تَمْرٍ فَيَأْكُلُهُ حَتَّى يَأْكُلَ حَشَفَهَا .

USC-MSA web (English) reference : Book 49, Hadith 30
Arabic reference : Book 49, Hadith 1703

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar said, "Umar ibn al-Khattab was asked about locusts. He said, 'I would like to have a basket of them, from which we could eat.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ سُئِلَ عُمَرُ بْنُ الْخَطَّابِ عَنِ الْجَرَادِ، فَقَالَ وَدِدْتُ أَنَّ عِنْدِي، قَفْعَةً نَأْكُلُ مِنْهُ .

USC-MSA web (English) reference : Book 49, Hadith 30
Arabic reference : Book 49, Hadith 1704

Yahya related to me from Malik from Muhammad ibn Amr ibn Halhala that Humayd ibn Malik ibn Khu'haym said, "I was sitting with Abu Hurayra on his land at al-Aqiq. Some people rode out from Madina to call upon Abu Hurayra. He told me to go to his mother, sending his greetings and asking her to prepare some food." Humayd continued, "She set down three loaves on a plate and some oil and salt. Then she put it on my head and I carried it to them. When I set it before them, Abu Hurayra said, 'Allah is greater' and added, 'Praise be to Allah who has filled us with bread after our food had previously been only water and dates,' as the people did not touch any of the food.

When they left, he said, 'O son of my brother, be good to your sheep and wipe the mucus from them and clean their pen. Pray in their quarter for they are among the animals of the Garden. By He in Whose Hand my self is, a time is about to come upon people when a small group of sheep will be more beloved to their owner than the house of Marwan . ' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَلْحَلَةَ، عَنْ حُمَيْدِ بْنِ مَالِكِ بْنِ خُثَيْمٍ، أَنَّهُ قَالَ كُنْتُ جَالِسًا مَعَ أَبِي هُرَيْرَةَ بِأَرْضِهِ بِالْعَقِيقِ فَأَتَاهُ قَوْمٌ مِنْ أَهْلِ الْمَدِينَةِ عَلَى دَوَابَّ فَنَزَلُوا عِنْدَهُ - قَالَ حُمَيْدٌ - فَقَالَ أَبُو هُرَيْرَةَ اذْهَبْ إِلَى أُمِّي فَقُلْ إِنَّ ابْنَكِ يُقْرِئُكِ السَّلاَمَ وَيَقُولُ أَطْعِمِينَا شَيْئًا . قَالَ فَوَضَعَتْ ثَلاَثَةَ أَقْرَاصٍ فِي صَحْفَةٍ وَشَيْئًا مِنْ زَيْتٍ وَمِلْحٍ ثُمَّ وَضَعَتْهَا عَلَى رَأْسِي وَحَمَلْتُهَا إِلَيْهِمْ فَلَمَّا وَضَعْتُهَا بَيْنَ أَيْدِيهِمْ كَبَّرَ أَبُو هُرَيْرَةَ وَقَالَ الْحَمْدُ لِلَّهِ الَّذِي أَشْبَعَنَا مِنَ الْخُبْزِ بَعْدَ أَنْ لَمْ يَكُنْ طَعَامُنَا إِلاَّ الأَسْوَدَيْنِ الْمَاءَ وَالتَّمْرَ . فَلَمْ يُصِبِ الْقَوْمُ مِنَ الطَّعَامِ شَيْئًا فَلَمَّا انْصَرَفُوا قَالَ يَا ابْنَ أَخِي أَحْسِنْ إِلَى غَنَمِكَ وَامْسَحِ الرُّعَامَ عَنْهَا وَأَطِبْ مُرَاحَهَا وَصَلِّ فِي نَاحِيَتِهَا فَإِنَّهَا مِنْ دَوَابِّ الْجَنَّةِ وَالَّذِي نَفْسِي بِيَدِهِ لَيُوشِكُ أَنْ يَأْتِيَ عَلَى النَّاسِ زَمَانٌ تَكُونُ الثُّلَّةُ مِنَ الْغَنَمِ أَحَبَّ إِلَى صَاحِبِهَا مِنْ دَارِ مَرْوَانَ .

USC-MSA web (English) reference : Book 49, Hadith 31
Arabic reference : Book 49, Hadith 1705

Yahya related to me from Malik from Abu Nuaym that Wahb ibn Kaysan said, "The Messenger of Allah, may Allah bless him and grant him peace, was brought food while his stepson Umar ibn Salama was with him. The Messenger of Allah, may Allah bless him and grant him peace, said to him, 'Say "Bismillah," and eat what is in front of you.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي نُعَيْمٍ، وَهْبِ بْنِ كَيْسَانَ قَالَ أُتِيَ رَسُولُ اللَّهِ صلى الله عليه وسلم بِطَعَامٍ وَمَعَهُ رَبِيبُهُ عُمَرُ بْنُ أَبِي سَلَمَةَ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " سَمِّ اللَّهَ وَكُلْ مِمَّا يَلِيكَ " .

USC-MSA web (English) reference : Book 49, Hadith 32
Arabic reference : Book 49, Hadith 1706

Yahya related to me from Malik that Yahya ibn Said said that he had heard al-Qasim ibn Muhammad say that a man came to Abdullah ibn Abbas and said to him, "I have an orphan and he has camels. Can I drink from the camels' milk?" Ibn Abbas said, "If you search for the lost camels of his and treat the camels' mange and fill in the cracks in their water basin and give it water on the day it drinks, then drink it without doing harm to the suckling camels by milking them excessively."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ سَمِعْتُ الْقَاسِمَ بْنَ مُحَمَّدٍ، يَقُولُ جَاءَ رَجُلٌ إِلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ فَقَالَ لَهُ إِنَّ لِي يَتِيمًا وَلَهُ إِبِلٌ أَفَأَشْرَبُ مِنْ لَبَنِ إِبِلِهِ فَقَالَ ابْنُ عَبَّاسٍ إِنْ كُنْتَ تَبْغِي ضَالَّةَ إِبِلِهِ وَتَهْنَأُ جَرْبَاهَا وَتَلُطُّ حَوْضَهَا وَتَسْقِيهَا يَوْمَ وِرْدِهَا فَاشْرَبْ غَيْرَ مُضِرٍّ بِنَسْلٍ وَلاَ نَاهِكٍ فِي الْحَلْبِ .

USC-MSA web (English) reference : Book 49, Hadith 33
Arabic reference : Book 49, Hadith 1707

Yahya related to me from Malik from Hisham ibn Urwa that his father never brought food or drink, nor even a remedy which he ate or drank but that he said, "Praise be to Allah who has guided us and fed us and given us to drink and blessed us. Allah is greater. O Allah! We have found Your blessing with every evil, give us every good in the morning and evening. We ask You for its completion and its gratitude. There is no good except Your good. There is no god other than You, the God of the salihun and the Lord of the Worlds. Praise be to Allah. There is no god but Allah. What Allah wills. There is no power except in Allah. O Allah! Bless us in what You have provided us with and protect us from the punishment of the Fire!"

Al-hamdu lillahi-lladhi hadana wa at amana wa saqana wa naamana. Allahu akbar. Allahumma'l fatna nimatik bi-kulli sharr. Fa asbahna minha wa amsayna bi-kulli khayr. Nasaluka tamamaha wa shukraha. La khayr illa khayruk. Wa la ilaha ghayruk. Ilaha'-saliheen wa rabba'l-alameen. Al-hamdu lillah. Wa la ilaha illa'llah. Ma sha'Allah. Wa la quwwata illa billah. Allahumma barik lana fima razaqtana. Waqina adhaba'n-nar.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ لاَ يُؤْتَى أَبَدًا بِطَعَامٍ وَلاَ شَرَابٍ حَتَّى الدَّوَاءُ فَيَطْعَمَهُ أَوْ يَشْرَبَهُ إِلاَّ قَالَ الْحَمْدُ لِلَّهِ الَّذِي هَدَانَا وَأَطْعَمَنَا وَسَقَانَاوَنَعَّمَنَا اللَّهُ أَكْبَرُ اللَّهُمَّ أَلْفَتْنَا نِعْمَتُكَ بِكُلِّ شَرٍّ فَأَصْبَحْنَا مِنْهَا وَأَمْسَيْنَا بِكُلِّ خَيْرٍ نَسْأَلُكَ تَمَامَهَا وَشُكْرَهَا لاَ خَيْرَ إِلاَّ خَيْرُكَ وَلاَ إِلَهَ غَيْرُكَ إِلَهَ الصَّالِحِينَ وَرَبَّ الْعَالَمِينَ الْحَمْدُ لِلَّهِ وَلاَ إِلَهَ إِلاَّ اللَّهُ مَا شَاءَ اللَّهُ وَلاَ قُوَّةَ إِلاَّ بِاللَّهِ اللَّهُمَّ بَارِكْ لَنَا فِيمَا رَزَقْتَنَا وَقِنَا عَذَابَ النَّارِ . قَالَ يَحْيَى سُئِلَ مَالِكٌ هَلْ تَأْكُلُ الْمَرْأَةُ مَعَ غَيْرِ ذِي مَحْرَمٍ مِنْهَا أَوْ مَعَ غُلاَمِهَا فَقَالَ مَالِكٌ لَيْسَ بِذَلِكَ بَأْسٌ إِذَا كَانَ ذَلِكَ عَلَى وَجْهِ مَا يُعْرَفُ لِلْمَرْأَةِ أَنْ تَأْكُلَ مَعَهُ مِنَ الرِّجَالِ . قَالَ وَقَدْ تَأْكُلُ الْمَرْأَةُ مَعَ زَوْجِهَا وَمَعَ غَيْرِهِ مِمَّنْ يُؤَاكِلُهُ أَوْ مَعَ أَخِيهَا عَلَى مِثْلِ ذَلِكَ وَيُكْرَهُ لِلْمَرْأَةِ أَنْ تَخْلُوَ مَعَ الرَّجُلِ لَيْسَ بَيْنَهُ وَبَيْنَهَا حُرْمَةٌ .

USC-MSA web (English) reference : Book 49, Hadith 34
Arabic reference : Book 49, Hadith 1708

Yahya said that Malik was asked, "Can a woman eat with other than her relative or slave?" Malik said, "There is no harm in that if it is in a manner which is accepted for a woman to eat with men."

Malik said, "A woman sometimes eats with her husband and with others he dines with or with her brother in the same way. It is disapproved of for a woman to be alone with a man when there is no relationship between them by blood, marriage or suckling that would prevent him marrying her."
USC-MSA web (English) reference : Book 49, Hadith 35

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ إِيَّاكُمْ وَاللَّحْمَ فَإِنَّ لَهُ ضَرَاوَةً كَضَرَاوَةِ الْخَمْرِ .

Arabic reference : Book 49, Hadith 1709

Yahya related to me from Malik from Yahya ibn Said that Umar ibn al-Khattab said, "Beware of meat. It has addictiveness like the addictiveness of wine."

Yahya related to me from Malik from Yahya ibn Said that Umar ibn al-Khattab saw Jabir ibn Abdullah carrying some meat. He said, "What is this?" He said, "Amir al- muminin. We desired meat and I bought some meat for a dirham." Umar said, "Does one of you want to fill his belly apart from his neighbour or nephew? How can you overlook this ayat? 'You squandered your good things in the life of this world and sought comfort in them.' " (Sura 46 ayat 20).
وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، أَدْرَكَ جَابِرَ بْنَ عَبْدِ اللَّهِ وَمَعَهُ حِمَالُ لَحْمٍ فَقَالَ مَا هَذَا فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ قَرِمْنَا إِلَى اللَّحْمِ فَاشْتَرَيْتُ بِدِرْهَمٍ لَحْمًا . فَقَالَ عُمَرُ أَمَا يُرِيدُ أَحَدُكُمْ أَنْ يَطْوِيَ بَطْنَهُ عَنْ جَارِهِ أَوِ ابْنِ عَمِّهِ أَيْنَ تَذْهَبُ عَنْكُمْ هَذِهِ الآيَةُ {أَذْهَبْتُمْ طَيِّبَاتِكُمْ فِي حَيَاتِكُمُ الدُّنْيَا وَاسْتَمْتَعْتُمْ بِهَا }

USC-MSA web (English) reference : Book 49, Hadith 36
Arabic reference : Book 49, Hadith 1710

Yahya related to me from Malik from Abdullah ibn Dinar from 'Abdullah ibn 'Umar that the Messenger of Allah, may Allah bless him and grant him peace, used to wear a gold ring. Then the Messenger of Allah, may Allah bless him and grant him peace, stood up and threw it away and said, "I will never wear it." He said, "So the people threw away their rings."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَلْبَسُ خَاتَمًا مِنْ ذَهَبٍ ثُمَّ قَامَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَنَبَذَهُ وَقَالَ " لاَ أَلْبَسُهُ أَبَدًا " . قَالَ فَنَبَذَ النَّاسُ خَوَاتِيمَهُمْ .

USC-MSA web (English) reference : Book 49, Hadith 37
Arabic reference : Book 49, Hadith 1711

Yahya related to me from Malik that Sadaqa ibn Yasar said, "I asked Said ibn al-Musayyab about wearing a ring. He said, 'Wear it, and tell people that I gave you that decision.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ صَدَقَةَ بْنِ يَسَارٍ، أَنَّهُ قَالَ سَأَلْتُ سَعِيدَ بْنَ الْمُسَيَّبِ عَنْ لُبْسِ الْخَاتَمِ، فَقَالَ الْبَسْهُ وَأَخْبِرِ النَّاسَ، أَنِّي أَفْتَيْتُكَ بِذَلِكَ .

USC-MSA web (English) reference : Book 49, Hadith 38
Arabic reference : Book 49, Hadith 1712

باب مَا جَاءَ فِي نَزْعِ الْمَعَالِيقِ وَالْجَرَسِ مِنَ الْعُنُقِ

Arabic reference : Book 49, Hadith 13

Yahya related to me from Malik from Abdullah ibn Abi Bakr from Abbad ibn Tamim that Abu Bashir al-Ansari told him that he was with the Messenger of Allah, may Allah bless him and grant him peace, on one of his journeys. He related, "The Messenger of Allah, may Allah bless him and grant him peace, sent a messenger." (Abdullah ibn Abi Bakr said, (I think that he said it was while the people were in their resting place.) He said, "Do not let a single-string necklace, or any necklace, remain unbroken on the neck of a camel."

Yahya said, "I heard Malik say, 'I think that was because of the evil eye.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَبَّادِ بْنِ تَمِيمٍ، أَنَّ أَبَا بَشِيرٍ الأَنْصَارِيَّ، أَخْبَرَهُ أَنَّهُ، كَانَ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم فِي بَعْضِ أَسْفَارِهِ - قَالَ - فَأَرْسَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم رَسُولاً قَالَ عَبْدُ اللَّهِ بْنُ أَبِي بَكْرٍ حَسِبْتُ أَنَّهُ قَالَ وَالنَّاسُ فِي مَقِيلِهِمْ " لاَ تَبْقَيَنَّ فِي رَقَبَةِ بَعِيرٍ قِلاَدَةٌ مِنْ وَتَرٍ أَوْ قِلاَدَةٌ إِلاَّ قُطِعَتْ " .

USC-MSA web (English) reference : Book 49, Hadith 39
Arabic reference : Book 49, Hadith 1713

50 - The Evil Eye كتاب العين

Yahya related to me from Malik that Muhammad ibn Abi Umama ibn Sahl ibn Hunayf heard his father say, "My father, Sahl ibn Hunayf did a ghusl at al-Kharrar. He removed the jubbah he had on while Amir ibn Rabia was watching, and Sahl was a man with beautiful white skin. Amir said to him, 'I have never seen anything like what I have seen today, not even the skin of a virgin.' Sahl fell ill on the spot, and his condition grew worse. Somebody went to the Messenger of Allah, may Allah bless him and grant him peace, and told him that Sahl was ill, and could not go with him. The Messenger of Allah, may Allah bless him and grant him peace, came to him, and Sahl told him what had happened with Amir. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Why does one of you kill his brother? Why did you not say, "May Allah bless you?" (ta baraka-llah) The evil eye is true. Do wudu from it.' Amir did wudu from it and Sahl went with the Messenger of Allah, may Allah bless him and grant him peace, and there was nothing wrong with him."

وَحَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ أَبِي أُمَامَةَ بْنِ سَهْلِ بْنِ حُنَيْفٍ، أَنَّهُ سَمِعَ أَبَاهُ، يَقُولُ اغْتَسَلَ أَبِي سَهْلُ بْنُ حُنَيْفٍ بِالْخَرَّارِ فَنَزَعَ جُبَّةً كَانَتْ عَلَيْهِ وَعَامِرُ بْنُ رَبِيعَةَ يَنْظُرُ قَالَ وَكَانَ سَهْلٌ رَجُلاً أَبْيَضَ حَسَنَ الْجِلْدِ - قَالَ - فَقَالَ لَهُ عَامِرُ بْنُ رَبِيعَةَ مَا رَأَيْتُ كَالْيَوْمِ وَلاَ جِلْدَ عَذْرَاءَ . قَالَ فَوُعِكَ سَهْلٌ مَكَانَهُ وَاشْتَدَّ وَعْكُهُ فَأُتِيَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَأُخْبِرَ أَنَّ سَهْلاً وُعِكَ وَأَنَّهُ غَيْرُ رَائِحٍ مَعَكَ يَا رَسُولَ اللَّهِ فَأَتَاهُ رَسُولُ اللَّهِ صلى الله عليه وسلم فَأَخْبَرَهُ سَهْلٌ بِالَّذِي كَانَ مِنْ شَأْنِ عَامِرٍ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " عَلاَمَ يَقْتُلُ أَحَدُكُمْ أَخَاهُ أَلاَّ بَرَّكْتَ إِنَّ الْعَيْنَ حَقٌّ تَوَضَّأْ لَهُ " . فَتَوَضَّأَ لَهُ عَامِرٌ فَرَاحَ سَهْلٌ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم لَيْسَ بِهِ بَأْسٌ .

USC-MSA web (English) reference : Book 50, Hadith 1
Arabic reference : Book 50, Hadith 1714

Malik related to me from Ibn Shihab that Abu Umama ibn Sahl ibn Hunayf said, "Amir ibn Rabia saw Sahl ibn Hunayf doing a ghusl and said, 'I have not seen the like of what I see today, not even the skin of a maiden who has never been out of doors.' Sahl fell to the ground. The Messenger of Allah, may Allah bless him and grant him peace, was approached and it was said, 'Messenger of Allah, can you do anything about Sahl ibn Hunayf? By Allah, he can not raise his head.' He said, 'Do you suspect anyone of it?' They said, 'We suspect Amir ibn Rabia.' "

He continued, "The Messenger of Allah, may Allah bless him and grant him peace, summoned Amir and was furious with him and said, 'Why does one of you kill his brother? Why did you not say, "May Allah bless you?" Do ghusl for it.' Amir washed his face, hands, elbows, knees, the end of his feet, and inside his lower garment in a vessel. Then he poured it over him, and Sahl went off with the people, and there was nothing wrong with him."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي أُمَامَةَ بْنِ سَهْلِ بْنِ حُنَيْفٍ، أَنَّهُ قَالَ رَأَى عَامِرُ بْنُ رَبِيعَةَ سَهْلَ بْنَ حُنَيْفٍ يَغْتَسِلُ فَقَالَ مَا رَأَيْتُ كَالْيَوْمِ وَلاَ جِلْدَ مُخْبَأَةٍ . فَلُبِطَ سَهْلٌ فَأُتِيَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقِيلَ يَا رَسُولَ اللَّهِ هَلْ لَكَ فِي سَهْلِ بْنِ حُنَيْفٍ وَاللَّهِ مَا يَرْفَعُ رَأْسَهُ . فَقَالَ " هَلْ تَتَّهِمُونَ لَهُ أَحَدًا " قَالُوا نَتَّهِمُ عَامِرَ بْنَ رَبِيعَةَ . قَالَ فَدَعَا رَسُولُ اللَّهِ صلى الله عليه وسلم عَامِرًا فَتَغَيَّظَ عَلَيْهِ وَقَالَ " عَلاَمَ يَقْتُلُ أَحَدُكُمْ أَخَاهُ أَلاَّ بَرَّكْتَ اغْتَسِلْ لَهُ " . فَغَسَلَ عَامِرٌ وَجْهَهُ وَيَدَيْهِ وَمِرْفَقَيْهِ وَرُكْبَتَيْهِ وَأَطْرَافَ رِجْلَيْهِ وَدَاخِلَةَ إِزَارِهِ فِي قَدَحٍ ثُمَّ صُبَّ عَلَيْهِ فَرَاحَ سَهْلٌ مَعَ النَّاسِ لَيْسَ بِهِ بَأْسٌ .

USC-MSA web (English) reference : Book 50, Hadith 2

50 - The Evil Eye

كتاب العين

Arabic reference : Book 50, Hadith 1715

Yahya related to me from Malik that Humayd ibn Qays al-Makki said, "A man came to the Messenger of Allah, may Allah bless him and grant him peace, with the two sons of Jafar ibn Abi Talib. He said to their nursemaid, 'Why do I see them so thin?' Their nursemaid said, 'Messenger of Allah, the evil eye goes quickly to them. Nothing stops us from asking someone to make incantations (using ayats of Qur'an) for them, except that we do not know what of that would agree with you.' The Messenger of ,Allah, may Allah bless him and grant him peace, said, 'Make incantations for them. Had anything been able to precede the decree, the evil eye would precede it.' "

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ حُمَيْدِ بْنِ قَيْسٍ الْمَكِّيِّ، أَنَّهُ قَالَ دُخِلَ عَلَى رَسُولِ اللَّهِ صلى الله عليه وسلم بِابْنَىْ جَعْفَرِ بْنِ أَبِي طَالِبٍ فَقَالَ لِحَاضِنَتِهِمَا " مَا لِي أَرَاهُمَا ضَارِعَيْنِ " . فَقَالَتْ حَاضِنَتُهُمَا يَا رَسُولَ اللَّهِ إِنَّهُ تَسْرَعُ إِلَيْهِمَا الْعَيْنُ وَلَمْ يَمْنَعْنَا أَنْ نَسْتَرْقِيَ لَهُمَا إِلاَّ أَنَّا لاَ نَدْرِي مَا يُوَافِقُكَ مِنْ ذَلِكَ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اسْتَرْقُوا لَهُمَا فَإِنَّهُ لَوْ سَبَقَ شَىْءٌ الْقَدَرَ لَسَبَقَتْهُ الْعَيْنُ " .

USC-MSA web (English) reference : Book 50, Hadith 3
Arabic reference : Book 50, Hadith 1716

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Urwa ibn az-Zubayr told him that the Messenger of Allah, may Allah bless him and grant him peace, entered the house of Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace. There was a child weeping in the house, and they told him that it was from the evil eye. Urwa said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Why do you not find someone to make an incantation to protect it from the evil eye?' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ عُرْوَةَ بْنَ الزُّبَيْرِ، حَدَّثَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم دَخَلَ بَيْتَ أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم وَفِي الْبَيْتِ صَبِيٌّ يَبْكِي فَذَكَرُوا لَهُ أَنَّ بِهِ الْعَيْنَ - قَالَ عُرْوَةُ - فَقَالَ رَسُولُ اللَّهِ

USC-MSA web (English) reference : Book 50, Hadith 4
Arabic reference : Book 50, Hadith 1717

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the slave is ill, Allah ta'ala sends two angels to him." He said, "They look at what he says to his visitors. If he praises Allah and lauds Him, when they come to him, they take that up to Allah, the Mighty, the Majestic, and He knows best, and He says, 'If I make my slave die, I will make him enter the Garden. If I heal him, I will replace his flesh with better flesh and his blood with better blood and I will efface his evil actions.'"

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا مَرِضَ الْعَبْدُ بَعَثَ اللَّهُ تَعَالَى إِلَيْهِ مَلَكَيْنِ فَقَالَ انْظُرَا مَاذَا يَقُولُ لِعُوَّادِهِ . فَإِنْ هُوَ - إِذَا جَاءُوهُ - حَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ رَفَعَا ذَلِكَ إِلَى اللَّهِ عَزَّ وَجَلَّ - وَهُوَ أَعْلَمُ - فَيَقُولُ لِعَبْدِي عَلَىَّ إِنْ تَوَفَّيْتُهُ أَنْ أُدْخِلَهُ الْجَنَّةَ وَإِنْ أَنَا شَفَيْتُهُ أَنْ أُبْدِلَ لَهُ لَحْمًا خَيْرًا مِنْ لَحْمِهِ وَدَمًا خَيْرًا مِنْ دَمِهِ وَأَنْ أُكَفِّرَ عَنْهُ سَيِّئَاتِهِ " .

USC-MSA web (English) reference : Book 50, Hadith 5
Arabic reference : Book 50, Hadith 1718

Yahya related to me from Malik from Yazid ibn Khusayfa that Urwa ibn az-Zubayr said that he heard A'isha, the wife of the Prophet, may Allah bless him and grant him peace, say, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'When a mumin is afflicted by something, even a thorn, it removes (or effaces) his wrong actions.' " Yazid did not know which of them Urwa said.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ خُصَيْفَةَ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، أَنَّهُ قَالَ سَمِعْتُ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم تَقُولُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ يُصِيبُ الْمُؤْمِنَ مِنْ مُصِيبَةٍ حَتَّى الشَّوْكَةُ إِلاَّ قُصَّ بِهَا أَوْ كُفِّرَ بِهَا مِنْ خَطَايَاهُ " . لاَ يَدْرِي يَزِيدُ أَيَّهُمَا قَالَ عُرْوَةُ .

USC-MSA web (English) reference : Book 50, Hadith 6
Arabic reference : Book 50, Hadith 1719

Yahya related to me from Malik that Muhammad ibn Abdullah ibn Abi Sasaca said that he heard Abu'l-Hubab Said ibn Yasar say that he had heard Abu Hurayra say, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Allah afflicts the one for whom He desires good.'"

وَحَدَّثَنِي مَالِكٌ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي صَعْصَعَةَ، أَنَّهُ قَالَ سَمِعْتُ أَبَا الْحُبَابِ، سَعِيدَ بْنَ يَسَارٍ يَقُولُ سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَنْ يُرِدِ اللَّهُ بِهِ خَيْرًا يُصِبْ مِنْهُ " .

USC-MSA web (English) reference : Book 50, Hadith 7
Arabic reference : Book 50, Hadith 1720

Yahya related to me from Malik from Yahya ibn Said that death came to a man in the time of the Messenger of Allah, may Allah bless him and grant him peace. A man said, "He was fortunate," as he had died without being tried by illness. The Messenger of Allah, may Allah bless him and grant him peace, said, "Alas for you, what will let you know that if Allah had tried him with illness, He would have wiped out his wrong actions."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَجُلاً، جَاءَهُ الْمَوْتُ فِي زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ رَجُلٌ هَنِيئًا لَهُ مَاتَ وَلَمْ يُبْتَلَ بِمَرَضٍ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " وَيْحَكَ وَمَا يُدْرِيكَ لَوْ أَنَّ اللَّهَ ابْتَلاَهُ بِمَرَضٍ يُكَفِّرُ بِهِ مِنْ سَيِّئَاتِهِ " .

USC-MSA web (English) reference : Book 50, Hadith 8
Arabic reference : Book 50, Hadith 1721

Yahya related to me from Malik from Yazid ibn Khusayfa that Amr ibn Abdullah ibn Kab as-Salami told him that Nafi ibn Jubayr told him that Uthman ibn Abi al-As came to the Messenger of Allah, may Allah bless him and grant him peace. Uthman said that he had a pain which was enough to kill him. The Messenger of Allah, may Allah bless him and grant him peace, said, "Rub it with your right hand seven times and say, 'I take refuge with the might of Allah and His power from the evil of what I feel.' "

Uthman added, "I said that, and Allah removed what I had. I still command my family and others to say it."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ خُصَيْفَةَ، أَنَّ عَمْرَو بْنَ عَبْدِ اللَّهِ بْنِ كَعْبٍ السَّلَمِيَّ، أَخْبَرَهُ أَنَّ نَافِعَ بْنَ جُبَيْرٍ أَخْبَرَهُ عَنْ عُثْمَانَ بْنِ أَبِي الْعَاصِ، أَنَّهُ أَتَى رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ عُثْمَانُ وَبِي وَجَعٌ قَدْ كَادَ يُهْلِكُنِي . قَالَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " امْسَحْهُ بِيَمِينِكَ سَبْعَ مَرَّاتٍ وَقُلْ أَعُوذُ بِعِزَّةِ اللَّهِ وَقُدْرَتِهِ مِنْ شَرِّ مَا أَجِدُ " . قَالَ فَقُلْتُ ذَلِكَ فَأَذْهَبَ اللَّهُ مَا كَانَ بِي فَلَمْ أَزَلْ آمُرُ بِهَا أَهْلِي وَغَيْرَهُمْ .

USC-MSA web (English) reference : Book 50, Hadith 9
Arabic reference : Book 50, Hadith 1722

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az- Zubayr from A'isha that the Messenger of Allah, may Allah bless him and grant him peace, when he had a complaint, would recite the last three suras of Qur'an, over himself and blow. She said, "When his pain was great, I would recite it over him and wipe him with his right hand hoping for its blessing."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا اشْتَكَى يَقْرَأُ عَلَى نَفْسِهِ بِالْمُعَوِّذَاتِ وَيَنْفِثُ . قَالَتْ فَلَمَّا اشْتَدَّ وَجَعُهُ كُنْتُ أَنَا أَقْرَأُ عَلَيْهِ وَأَمْسَحُ عَلَيْهِ بِيَمِينِهِ رَجَاءَ بَرَكَتِهَا .

USC-MSA web (English) reference : Book 50, Hadith 10
Arabic reference : Book 50, Hadith 1723

Yahya related to me from Malik from Yahya ibn Said from Amra bint Abd ar-Rahman that Abu Bakr as-Siddiq visited A'isha while she had a [health] complaint and a jewish woman was making incantation (ruqya) for her. Abu Bakr said, "Do it (incantation) with the Book of Allah."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ، دَخَلَ عَلَى عَائِشَةَ وَهِيَ تَشْتَكِي وَيَهُودِيَّةٌ تَرْقِيهَا فَقَالَ أَبُو بَكْرٍ ارْقِيهَا بِكِتَابِ اللَّهِ .

USC-MSA web (English) reference : Book 50, Hadith 11
Arabic reference : Book 50, Hadith 1724

Yahya related to me from Malik from Zayd ibn Aslam that a man received a wound in the time of the Messenger of Allah, may Allah bless him and grant him peace. The blood clotted in the wound and the man called two men from the Banu Ammar tribe. They looked at it and claimed that the Messenger of Allah, may Allah bless him and grant him peace, said to them, "Which of you is the better doctor?" They said, "Is there any good in medicine, Messenger of Allah?" Zayd claimed that the Messenger of Allah, may Allah bless him and grant him peace, said, "The one who sent down the disease sent down the remedy."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ رَجُلاً، فِي زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم أَصَابَهُ جُرْحٌ فَاحْتَقَنَ الْجُرْحُ الدَّمَ وَأَنَّ الرَّجُلَ دَعَا رَجُلَيْنِ مِنْ بَنِي أَنْمَارٍ فَنَظَرَا إِلَيْهِ فَزَعَمَا أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ لَهُمَا " أَيُّكُمَا أَطَبُّ " . فَقَالاَ أَوَ فِي الطِّبِّ خَيْرٌ يَا رَسُولَ اللَّهِ فَزَعَمَ زَيْدٌ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَنْزَلَ الدَّوَاءَ الَّذِي أَنْزَلَ الأَدْوَاءَ " .

USC-MSA web (English) reference : Book 50, Hadith 12
Arabic reference : Book 50, Hadith 1725

Yahya related to me from Malik that Yahya ibn Said said, "I heard that Sad ibn Zurara cauterized himself because of a pain in the throat accompanied by blood and he died."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ بَلَغَنِي أَنَّ سَعْدَ بْنَ زُرَارَةَ، اكْتَوَى فِي زَمَانِ رَسُولِ اللَّهِ صلى الله عليه وسلم مِنَ الذُّبَحَةِ فَمَاتَ .

USC-MSA web (English) reference : Book 50, Hadith 13
Arabic reference : Book 50, Hadith 1726

Yahya related to me from Malik from Nafi that Abdullah ibn Umar cauterized for the palsy and he had a talisman made for a scorpion sting.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، اكْتَوَى مِنَ اللَّقْوَةِ وَرُقِيَ مِنَ الْعَقْرَبِ .

USC-MSA web (English) reference : Book 50, Hadith 14
Arabic reference : Book 50, Hadith 1727

Yahya related to me from Malik from Hisham ibn Urwa from Fatima bint al-Mundhir that whenever a woman who had a fever, was brought to Asma bint Abi Bakr, she made dua for her and took water and poured it inside her collar. She said, "The Messenger of Allah, may Allah bless him and grant him peace, ordered us to cool it with water."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ، أَنَّ أَسْمَاءَ بِنْتَ أَبِي بَكْرٍ، كَانَتْ إِذَا أُتِيَتْ بِالْمَرْأَةِ وَقَدْ حُمَّتْ تَدْعُو لَهَا أَخَذَتِ الْمَاءَ فَصَبَّتْهُ بَيْنَهَا وَبَيْنَ جَيْبِهَا وَقَالَتْ إِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ يَأْمُرُنَا أَنْ نُبْرِدَهَا بِالْمَاءِ .

USC-MSA web (English) reference : Book 50, Hadith 15
Arabic reference : Book 50, Hadith 1728

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "Fever is from the vehemence of the heat of Jahannam, so cool it with water."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّ الْحُمَّى مِنْ فَيْحِ جَهَنَّمَ فَابْرُدُوهَا بِالْمَاءِ " .

USC-MSA web (English) reference : Book 50, Hadith 16
Arabic reference : Book 50, Hadith 1729

Malik related to me from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Fever is from the vehemence of the heat of Jahannam, so put it out with water."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الْحُمَّى مِنْ فَيْحِ جَهَنَّمَ فَأَطْفِئُوهَا بِالْمَاءِ " .

USC-MSA web (English) reference : Book 50, Hadith 16
Arabic reference : Book 50, Hadith 1730

Yahya related to me from Malik that he had heard from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, said, "When a man visits an invalid, he plunges into mercy to the extent that when he sits with him, it settles in him," or the like of that.

حَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا عَادَ الرَّجُلُ الْمَرِيضَ خَاضَ الرَّحْمَةَ حَتَّى إِذَا قَعَدَ عِنْدَهُ قَرَّتْ فِيهِ " . أَوْ نَحْوَ هَذَا .

USC-MSA web (English) reference : Book 50, Hadith 17
Arabic reference : Book 50, Hadith 1731

Yahya related to me from Malik that he had heard from Bukayr ibn Abdullah ibn al-Ashajj from Ibn Atiya that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no contagion, no hama and no serpent in a hungry belly. However, the possessor of sick livestock must not stop at the same place as the possessor of healthy livestock, but the possessor of healthy livestock may stop wherever he wishes."

They said, "Messenger of Allah, Why is that?" The Messenger of Allah, may Allah bless him and grant him peace, said, "It is harmful."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الأَشَجِّ، عَنِ ابْنِ عَطِيَّةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ عَدْوَى وَلاَ هَامَ وَلاَ صَفَرَ وَلاَ يَحُلَّ الْمُمْرِضُ عَلَى الْمُصِحِّ وَلْيَحْلُلِ الْمُصِحُّ حَيْثُ شَاءَ " . فَقَالُوا يَا رَسُولَ اللَّهِ وَمَا ذَاكَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّهُ أَذًى " .

USC-MSA web (English) reference : Book 50, Hadith 18
Arabic reference : Book 50, Hadith 1732

51 - Hair كتاب الشعر

Yahya related to me from Malik from Abu Bakr ibn Nafi from his father Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, ordered the moustache to be trimmed and the beard to be left.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي بَكْرِ بْنِ نَافِعٍ، عَنْ أَبِيهِ، نَافِعٍ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَمَرَ بِإِحْفَاءِ الشَّوَارِبِ وَإِعْفَاءِ اللِّحَى ‏.‏

USC-MSA web (English) reference : Book 51, Hadith 1
Arabic reference : Book 51, Hadith 1733

Yahya related to me from Malik from Ibn Shihab that Humay ibn Abd ar-Rahman ibn Awf heard Muawiya ibn Abi Sufyan say from the mimbar in the year that he performed the hajj, holding a lock of hair (i.e. a hairpiece) which he took from one of his guards, "People of Madina! Where are your learned men? I heard the Messenger of Allah, may Allah bless him and grant him peace, forbid the like of this, saying, 'The Banu Israil were destroyed when their women started to use this.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّهُ سَمِعَ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ، عَامَ حَجَّ وَهُوَ عَلَى الْمِنْبَرِ وَتَنَاوَلَ قُصَّةً مِنْ شَعَرٍ كَانَتْ فِي يَدِ حَرَسِيٍّ يَقُولُ يَا أَهْلَ الْمَدِينَةِ أَيْنَ عُلَمَاؤُكُمْ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَنْهَى عَنْ مِثْلِ هَذِهِ وَيَقُولُ ‏"‏ إِنَّمَا هَلَكَتْ بَنُو إِسْرَائِيلَ حِينَ اتَّخَذَ هَذِهِ نِسَاؤُهُمْ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 51, Hadith 2
Arabic reference : Book 51, Hadith 1734

Yahya related to me from Malik that Ziyad ibn Sad heard Ibn Shihab say, "The Messenger of Allah, may Allah bless him and grant him peace, let his hair hang down his forehead as Allah willed, and afterwards he parted it."

Malik said, "There is no harm in a man's looking at the hair of his son's wife or the hair of his wife's mother."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زِيَادِ بْنِ سَعْدٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ سَمِعَهُ يَقُولُ سَدَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم نَاصِيَتَهُ مَا شَاءَ اللَّهُ ثُمَّ فَرَقَ بَعْدَ ذَلِكَ ‏.‏ قَالَ مَالِكٌ لَيْسَ عَلَى الرَّجُلِ يَنْظُرُ إِلَى شَعَرِ امْرَأَةِ ابْنِهِ أَوْ شَعَرِ أُمِّ امْرَأَتِهِ بَأْسٌ ‏.‏

USC-MSA web (English) reference : Book 51, Hadith 3
Arabic reference : Book 51, Hadith 1735

Yahya related to me from Malik from Nafi that Abdullah ibn Umar disapproved of castration and said, "The completeness of the created form is in the testicles."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ يَكْرَهُ الإِخْصَاءَ وَيَقُولُ فِيهِ تَمَامُ الْخَلْقِ ‏.‏

USC-MSA web (English) reference : Book 51, Hadith 4
Arabic reference : Book 51, Hadith 1736

Yahya related to me from Malik that Safwan ibn Sulaym heard that the Prophet, may Allah bless him and grant him peace, said, "I and the one who guards the orphan, whether for himself or for someone else, will be like these two in the Garden, when he has taqwa," indicating his middle and index fingers.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ صَفْوَانَ بْنِ سُلَيْمٍ، أَنَّهُ بَلَغَهُ أَنَّ النَّبِيَّ صلى الله عليه وسلم قَالَ " أَنَا وَكَافِلُ الْيَتِيمِ لَهُ أَوْ لِغَيْرِهِ فِي الْجَنَّةِ كَهَاتَيْنِ إِذَا اتَّقَى " . وَأَشَارَ بِإِصْبُعَيْهِ الْوُسْطَى وَالَّتِي تَلِي الإِبْهَامَ .

USC-MSA web (English) reference : Book 51, Hadith 5
Arabic reference : Book 51, Hadith 1737

Yahya related to me from Malik from Yahya ibn Said that Abu Qatada al-Ansari said to the Messenger of Allah, may Allah bless him and grant him peace, "I have a lot of hair which comes down to my shoulders, shall I comb it?'' The Messenger of Allah. may Allah bless him and grant him peace, said, "Yes, and honour it." Sometimes Abu Qatada oiled it twice in one day because the Messenger of Allah, may Allah bless him and grant him peace, said to him. "Honour it."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ أَبَا قَتَادَةَ الأَنْصَارِيَّ، قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم إِنَّ لِي جُمَّةً أَفَأُرَجِّلُهَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ وَأَكْرِمْهَا " فَكَانَ أَبُو قَتَادَةَ رُبَّمَا دَهَنَهَا فِي الْيَوْمِ مَرَّتَيْنِ لِمَا قَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " وَأَكْرِمْهَا " .

USC-MSA web (English) reference : Book 51, Hadith 6
Arabic reference : Book 51, Hadith 1738

Yahya related to me from Malik from Zayd ibn Aslam that Ata ibn Yasar told him that the Messenger of Allah, may Allah bless him and grant him peace, was in the mosque when a man came in with dishevelled hair and beard. The Messenger of Allah. may Allah bless him and grant him peace, motioned with his hand that he should be sent out to groom his hair and beard. The man did so and then returned. The Messenger of Allah, may Allah bless him and grant him peace, said, "Isn't this better than that one of you should come with his head dishevelled, as if he were a shaytan?"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ عَطَاءَ بْنَ يَسَارٍ، أَخْبَرَهُ قَالَ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم فِي الْمَسْجِدِ فَدَخَلَ رَجُلٌ ثَائِرَ الرَّأْسِ وَاللِّحْيَةِ فَأَشَارَ إِلَيْهِ رَسُولُ اللَّهِ صلى الله عليه وسلم بِيَدِهِ أَنِ اخْرُجْ كَأَنَّهُ يَعْنِي إِصْلاَحَ شَعَرِ رَأْسِهِ وَلِحْيَتِهِ فَفَعَلَ الرَّجُلُ ثُمَّ رَجَعَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَلَيْسَ هَذَا خَيْرًا مِنْ أَنْ يَأْتِيَ أَحَدُكُمْ ثَائِرَ الرَّأْسِ كَأَنَّهُ شَيْطَانٌ " .

USC-MSA web (English) reference : Book 51, Hadith 7
Arabic reference : Book 51, Hadith 1739

Yahya related to me from Malik that Yahya ibn Said said that Muhammad ibn Ibrahim at-Taymi had informed him that Abu Salama ibn Abd ar-Rahman said "Abd ar-Rahman ibn al-Aswad ibn Abdal-Yaghuth used to sit with us and he had a white beard and hair. One day he came to us and he had dyed them red, and the people said to him, 'This is better.' He said. 'A'isha the wife of the Prophet, may Allah bless him and grant him peace, sent her slave girl Nukhayla to me yesterday. She swore that my hair would be dyed and she informed me that Abu Bakr as- Siddiq used to dye his hair.' "

Yahya said that he heard Malik say about dyeing the hair black, 'I have not heard anything certain on that, and other colours than that are preferable to me."
Yahya said, "Not to dye at all is permitted, Allah willing, and there is no constraint on people concerning it."

Yahya said that he had heard Malik say, "There is no clear indication in this hadith that the Messenger of Allah, may Allah bless him and grant him peace, did not dye his hair. Had the Messenger of Allah, may Allah bless him and grant him peace, dyed his hair, A'isha would have sent a message to that effect to Abd ar-Rahman ibn al-Aswad."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ أَخْبَرَنِي مُحَمَّدُ بْنُ إِبْرَاهِيمَ التَّيْمِيُّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ عَبْدَ الرَّحْمَنِ بْنَ الأَسْوَدِ بْنِ عَبْدِ يَغُوثَ، قَالَ وَكَانَ جَلِيسًا لَهُمْ وَكَانَ أَبْيَضَ اللِّحْيَةِ وَالرَّأْسِ - قَالَ - فَغَدَا عَلَيْهِمْ ذَاتَ يَوْمٍ وَقَدْ حَمَّرَهُمَا - قَالَ - فَقَالَ لَهُ الْقَوْمُ هَذَا أَحْسَنُ فَقَالَ إِنَّ أُمِّي عَائِشَةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلم أَرْسَلَتْ إِلَىَّ الْبَارِحَةَ جَارِيَتَهَا نُخَيْلَةَ فَأَقْسَمَتْ عَلَىَّ لأَصْبُغَنَّ وَأَخْبَرَتْنِي أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ كَانَ يَصْبُغُ . قَالَ يَحْيَى سَمِعْتُ مَالِكًا يَقُولُ فِي صَبْغِ الشَّعَرِ بِالسَّوَادِ لَمْ أَسْمَعْ فِي ذَلِكَ شَيْئًا مَعْلُومًا وَغَيْرُ ذَلِكَ مِنَ الصِّبْغِ أَحَبُّ إِلَىَّ . قَالَ وَتَرْكُ الصَّبْغِ كُلِّهِ وَاسِعٌ إِنْ شَاءَ اللَّهُ لَيْسَ عَلَى النَّاسِ فِيهِ ضِيقٌ . قَالَ وَسَمِعْتُ مَالِكًا يَقُولُ فِي هَذَا الْحَدِيثِ بَيَانُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم لَمْ يَصْبُغْ وَلَوْ صَبَغَ رَسُولُ اللَّهِ صلى الله عليه وسلم لأَرْسَلَتْ بِذَلِكَ عَائِشَةُ إِلَى عَبْدِ الرَّحْمَنِ بْنِ الأَسْوَدِ .

USC-MSA web (English) reference : Book 51, Hadith 8
Arabic reference : Book 51, Hadith 1740

Yahya related to me from Malik that Yahya ibn Said said that he had heard that Khalid ibn al-Walid said to the Messenger of Allah, may Allah bless him and grant him peace, "I have nightmares." The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Say, 'I seek refuge with the complete words of Allah from His anger and His punishment and the evil of His slaves, and from the evil suggestions of the shayatin and from their being present (at death).' "

Audhu bi kalimati' llahi't-tammati min ghadabihi wa iqabihi wa sharri ibadihi wa min hamazati' sh-shayatin wa an yahdurun.

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ بَلَغَنِي أَنَّ خَالِدَ بْنَ الْوَلِيدِ، قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم إِنِّي أُرَوَّعُ فِي مَنَامِي . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " قُلْ أَعُوذُ بِكَلِمَاتِ اللَّهِ التَّامَّةِ مِنْ غَضَبِهِ وَعِقَابِهِ وَشَرِّ عِبَادِهِ وَمِنْ هَمَزَاتِ الشَّيَاطِينِ وَأَنْ يَحْضُرُونِ " .

USC-MSA web (English) reference : Book 51, Hadith 9
Arabic reference : Book 51, Hadith 1741

Yahya related to me from Malik that Yahya ibn Said said, "When the Messenger of Allah, may Allah bless him and grant him peace, was taken on the Night Journey, he saw an evil jinn seeking him with a torch of fire. Whenever the Messenger of Allah, may Allah bless him and grant him peace, turned, he saw him. Jibril said to him, 'Shall I teach you some words to say? When you say them, his torch will be put out and will fall from him.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Yes, indeed.' Jibril said, 'Say, 'I seek refuge with the Noble Face of Allah and with the complete words of Allah which neither the good person nor the corrupt can exceed, from the evil of what descends from the sky and the evil of what ascends in it, and from the evil of what is created in the earth and the evil of what comes out of it, and from the trials of the night and day, and from the visitations of the night and day, except for one that knocks with good, O Merciful!" "'

Audhu bi wajhi'llahi' l-karim wa bi kalimati'llahi't-tammati. Allati la yujawazu hunna barra wa la fajir, min sharri ma yanzil min as-sama, wa sharri ma yaruju fiha, wa sham ma dhara' fi'l-ard, wa sharri ma yakhruju minha, wa min fitani'l-layli wa'n-nahar, wa min tawariqi'l-layli wa'n-nahar illa tariqan yatruq bikhayr ya Rahman!

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ أُسْرِيَ بِرَسُولِ اللَّهِ صلى الله عليه وسلم فَرَأَى عِفْرِيتًا مِنَ الْجِنِّ يَطْلُبُهُ بِشُعْلَةٍ مِنْ نَارٍ كُلَّمَا الْتَفَتَ رَسُولُ اللَّهِ صلى الله عليه وسلم رَآهُ فَقَالَ لَهُ جِبْرِيلُ أَفَلاَ أُعَلِّمُكَ كَلِمَاتٍ تَقُولُهُنَّ إِذَا قُلْتَهُنَّ طَفِئَتْ شُعْلَتُهُ وَخَرَّ لِفِيهِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " بَلَى " فَقَالَ جِبْرِيلُ فَقُلْ أَعُوذُ بِوَجْهِ اللَّهِ الْكَرِيمِ وَبِكَلِمَاتِ اللَّهِ التَّامَّاتِ اللاَّتِي لاَ يُجَاوِزُهُنَّ بَرٌّ وَلاَ فَاجِرٌ مِنْ شَرِّ مَا يَنْزِلُ مِنَ السَّمَاءِ وَشَرِّ مَا يَعْرُجُ فِيهَا وَشَرِّ مَا ذَرَأَ فِي الأَرْضِ وَشَرِّ مَا يَخْرُجُ مِنْهَا وَمِنْ فِتَنِ اللَّيْلِ وَالنَّهَارِ وَمِنْ طَوَارِقِ اللَّيْلِ وَالنَّهَارِ إِلاَّ طَارِقًا يَطْرُقُ بِخَيْرٍ يَا رَحْمَنُ .

USC-MSA web (English) reference : Book 51, Hadith 10
Arabic reference : Book 51, Hadith 1742

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that a man of the Aslam tribe said, "I did not sleep last night." The Messenger of Allah, may Allah bless him and grant him peace, said to him, "For what reason?" He said, "A scorpion bit me." The Messenger of Allah, may Allah bless him and grant him peace, said, "Had you said in the evening, 'I seek refuge with the complete words of Allah from the evil of what He has created, 'it would not have happened."

Audhu bi kalimati'llahi't-tammati min sharri ma khalaq .

وَحَدَّثَنِي مَالِكٌ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَجُلاً، مِنْ أَسْلَمَ قَالَ مَا نِمْتُ هَذِهِ اللَّيْلَةَ . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " مِنْ أَىِّ شَىْءٍ " . فَقَالَ لَدَغَتْنِي عَقْرَبٌ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَمَا إِنَّكَ لَوْ قُلْتَ حِينَ أَمْسَيْتَ أَعُوذُ بِكَلِمَاتِ اللَّهِ التَّامَّاتِ مِنْ شَرِّ مَا خَلَقَ . لَمْ تَضُرَّكَ " .

USC-MSA web (English) reference : Book 51, Hadith 11
Arabic reference : Book 51, Hadith 1743

Yahya related to me from Malik from Summayy, the mawla of Abu Bakr from al-Qa'qa ibn Hakim that Kab al-Ahbar said, "Had it not been for some words which I said, the jews would have made me into a donkey." Someone asked him what they were. He said, "I seek refuge with the immense Face of Allah - there is nothing greater than it - and with the complete words of Allah which neither the good person nor the corrupt can exceed and with all the most beautiful names of Allah, what I know of them and what I do not know, from the evil of what He has created and originated and multiplied."

Audhu bi wajhi'llahi l-adheem aladhee laysa shay'un adham minh, wa bi kalimati'llahi't-tammati, alatee la yujawizu hunna barra wa la fajir, wa bi asma'illahi'l-husna kulliha ma alamtu minha wa ma lam alam, min sharri ma khalaqa wa bara'a wa dhara'a.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرٍ عَنِ الْقَعْقَاعِ بْنِ حَكِيمٍ، أَنَّ كَعْبَ الأَحْبَارِ، قَالَ لَوْلاَ كَلِمَاتٌ أَقُولُهُنَّ لَجَعَلَتْنِي يَهُودُ حِمَارًا . فَقِيلَ لَهُ وَمَا هُنَّ فَقَالَ أَعُوذُ بِوَجْهِ اللَّهِ الْعَظِيمِ الَّذِي لَيْسَ شَىْءٌ أَعْظَمَ مِنْهُ وَبِكَلِمَاتِ اللَّهِ التَّامَّاتِ الَّتِي لاَ يُجَاوِزُهُنَّ بَرٌّ وَلاَ فَاجِرٌ وَبِأَسْمَاءِ اللَّهِ الْحُسْنَى كُلِّهَا مَا عَلِمْتُ مِنْهَا وَمَا لَمْ أَعْلَمْ مِنْ شَرِّ مَا خَلَقَ وَبَرَأَ وَذَرَأَ .

USC-MSA web (English) reference : Book 51, Hadith 12
Arabic reference : Book 51, Hadith 1744

Yahya related to me from Malik from Abdullah ibn Abd ar-Rahman ibn Mamar from Abu'l-Hubab Said ibn Yasar that Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Allah, the Blessed,

the Exalted, will say on the Day of Rising, "Where are those who loved each other for My majesty? Today I will shade them in My shade on the day when there is no shade except My shade." "'

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ مَعْمَرٍ، عَنْ أَبِي الْحُبَابِ، سَعِيدِ بْنِ يَسَارٍ عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ يَوْمَ الْقِيَامَةِ أَيْنَ الْمُتَحَابُّونَ لِجَلاَلِي الْيَوْمَ أُظِلُّهُمْ فِي ظِلِّي يَوْمَ لاَ ظِلَّ إِلاَّ ظِلِّي " .

USC-MSA web (English) reference : Book 51, Hadith 13
Arabic reference : Book 51, Hadith 1745

Yahya related to me from Malik from Khubayb ibn Abd ar-Rahman al- Ansari from Hafs ibn Asim that either Abu Said al-Khudri or Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'There are seven whom Allah will shade in His shade on the day on which there is no shade except His shade:

a just imam, a youth who grows up worshipping Allah, a man whose heart is attached to the mosque when he leaves it until he returns to it, two men who love each other in Allah and meet for that and part for that, a man who remembers Allah when he is alone and his eyes overflow with tears, a man who refuses the approaches of a noble, beautiful woman, saying "I fear Allah," and a man who gives sadaqa and conceals it so that his left hand does not know what his right hand gives.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ خُبَيْبِ بْنِ عَبْدِ الرَّحْمَنِ الأَنْصَارِيِّ، عَنْ حَفْصِ بْنِ عَاصِمٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَوْ عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " سَبْعَةٌ يُظِلُّهُمُ اللَّهُ فِي ظِلِّهِ يَوْمَ لاَ ظِلَّ إِلاَّ ظِلُّهُ إِمَامٌ عَادِلٌ وَشَابٌّ نَشَأَ فِي عِبَادَةِ اللَّهِ

USC-MSA web (English) reference : Book 51, Hadith 14
Arabic reference : Book 51, Hadith 1746

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If Allah loves a slave, he says to Jibril, 'I love so-and-so, so love him,' so Jibril loves him and then calls out to the people of heaven, 'Allah loves so-and-so, so love him,' and the people of heaven love him, and then acceptance is placed in the Earth for him." When Allah is angry with a slave, Malik said, "I consider that he says the like of that about His anger."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا أَحَبَّ اللَّهُ الْعَبْدَ قَالَ لِجِبْرِيلَ قَدْ أَحْبَبْتُ فُلاَنًا فَأَحِبَّهُ . فَيُحِبُّهُ جِبْرِيلُ ثُمَّ يُنَادِي فِي أَهْلِ السَّمَاءِ إِنَّ اللَّهَ قَدْ أَحَبَّ فُلاَنًا فَأَحِبُّوهُ . فَيُحِبُّهُ أَهْلُ السَّمَاءِ ثُمَّ يُوضَعُ لَهُ الْقَبُولُ فِي الأَرْضِ . وَإِذَا أَبْغَضَ اللَّهُ الْعَبْدَ " . قَالَ مَالِكٌ لاَ أَحْسِبُهُ إِلاَّ أَنَّهُ قَالَ فِي الْبُغْضِ مِثْلَ ذَلِكَ .

USC-MSA web (English) reference : Book 51, Hadith 15
Arabic reference : Book 51, Hadith 1747

Yahya related to me from Malik from Abu Hazim ibn Dinar that Abu Idris al-Khawlani said, "I entered the Damascus mosque and there was a young man with a beautiful mouth and white teeth sitting with some people. When they disagreed about something, they referred it to him and proceeded from his statement. I inquired about him, and it was said, 'This is Muadh ibn Jabal.' The next day I went to the noon-prayer, and I found that he had preceded me to the noon prayer and I found him praying."

Abu Idris continued, "I waited for him until he had finished the prayer. Then I came to him from in front of him and greeted him and said, 'By Allah! I love you for Allah!' He said, 'By Allah?' I said, 'By Allah.' He said, 'By Allah?' I said, 'By Allah.' He said, 'By Allah?' I said, 'By Allah.' "
He continued, "He took me by the upper part of my cloak and pulled me to him and said, 'Rejoice! I heard the Messenger of Allah, may Allah bless him and grant him peace, say, "Allah, the Blessed and Exalted, said, 'My love is obliged for those who love each other in Me, and those who sit with each other in Me, and those who visit each other in Me, and those who give to each other generously in Me.' " ' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي حَازِمِ بْنِ دِينَارٍ، عَنْ أَبِي إِدْرِيسَ الْخَوْلاَنِيِّ، أَنَّهُ قَالَ دَخَلْتُ مَسْجِدَ دِمَشْقَ فَإِذَا فَتًى شَابٌّ بَرَّاقُ الثَّنَايَا وَإِذَا النَّاسُ مَعَهُ إِذَا اخْتَلَفُوا فِي شَىْءٍ أَسْنَدُوا إِلَيْهِ وَصَدَرُوا عَنْ قَوْلِهِ فَسَأَلْتُ عَنْهُ فَقِيلَ هَذَا مُعَاذُ بْنُ جَبَلٍ . فَلَمَّا كَانَ الْغَدُ هَجَّرْتُ فَوَجَدْتُهُ قَدْ سَبَقَنِي بِالتَّهْجِيرِ وَوَجَدْتُهُ يُصَلِّي - قَالَ - فَانْتَظَرْتُهُ حَتَّى قَضَى صَلاَتَهُ ثُمَّ جِئْتُهُ مِنْ قِبَلِ وَجْهِهِ فَسَلَّمْتُ عَلَيْهِ ثُمَّ قُلْتُ وَاللَّهِ إِنِّي لأُحِبُّكَ لِلَّهِ . فَقَالَ آللَّهِ فَقُلْتُ آللَّهِ . فَقَالَ آللَّهِ فَقُلْتُ آللَّهِ . فَقَالَ آللَّهِ فَقُلْتُ آللَّهِ . قَالَ فَأَخَذَ بِحُبْوَةِ رِدَائِي فَجَبَذَنِي إِلَيْهِ وَقَالَ أَبْشِرْ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى وَجَبَتْ مَحَبَّتِي لِلْمُتَحَابِّينَ فِيَّ وَالْمُتَجَالِسِينَ فِيَّ وَالْمُتَزَاوِرِينَ فِيَّ وَالْمُتَبَاذِلِينَ فِيَّ " .

USC-MSA web (English) reference : Book 51, Hadith 15
Arabic reference : Book 51, Hadith 1748

Yahya related to me from Malik that he had heard that Abdullah ibn Abbas said, "Equanimity, gentleness, and good behaviour are one twenty-fifth of prophecy."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّهُ كَانَ يَقُولُ الْقَصْدُ وَالتُّؤَدَةُ وَحُسْنُ السَّمْتِ جُزْءٌ مِنْ خَمْسَةٍ وَعِشْرِينَ جُزْءًا مِنَ النُّبُوَّةِ .

USC-MSA web (English) reference : Book 51, Hadith 16
Arabic reference : Book 51, Hadith 1749

52 - Visions كتاب الرؤيا

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha al-Ansari from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, said, "The good dream of a man who is salih is a forty-sixth part of prophecy."
Yahya related the like of that to me from Malik from Abu'z-Zinad from al- Araj from Abu Hurayra from the Messenger of Allah, may Allah bless him and grant him peace.

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ الأَنْصَارِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الرُّؤْيَا الْحَسَنَةُ مِنَ الرَّجُلِ الصَّالِحِ جُزْءٌ مِنْ سِتَّةٍ وَأَرْبَعِينَ جُزْءًا مِنَ النُّبُوَّةِ " .

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللَّهِ صلى الله عليه وسلم بِمِثْلِ ذَلِكَ .

USC-MSA web (English) reference : Book 52, Hadith 1
Arabic reference : Book 52, Hadith 1750

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha from Zufar ibn Sasaca from his father from Abu Hurayra that when the Messenger of Allah, may Allah bless him and grant him peace, left the morning prayer, he would say, "Has any of you had a dream last night? All that will remain of prophecy after me will be the true dream ."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ زُفَرَ بْنِ صَعْصَعَةَ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا انْصَرَفَ مِنْ صَلاَةِ الْغَدَاةِ يَقُولُ " هَلْ رَأَى أَحَدٌ مِنْكُمُ اللَّيْلَةَ رُؤْيَا " . وَيَقُولُ " لَيْسَ يَبْقَى بَعْدِي مِنَ النُّبُوَّةِ إِلاَّ الرُّؤْيَا الصَّالِحَةُ " .

USC-MSA web (English) reference : Book 52, Hadith 2
Arabic reference : Book 52, Hadith 1752

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "All that will be left of prophecy after me are the mubashshirat." They said, "What are the mubashshirat, Messenger of Allah?" He said, "The true dream which a man who is salih sees - or which is shown to him - is a forty-sixth part of prophecy."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لَنْ يَبْقَى بَعْدِي مِنَ النُّبُوَّةِ إِلاَّ الْمُبَشِّرَاتُ " . فَقَالُوا وَمَا الْمُبَشِّرَاتُ يَا رَسُولَ اللَّهِ قَالَ " الرُّؤْيَا الصَّالِحَةُ يَرَاهَا الرَّجُلُ الصَّالِحُ أَوْ تُرَى لَهُ جُزْءٌ مِنْ سِتَّةٍ وَأَرْبَعِينَ جُزْءًا مِنَ النُّبُوَّةِ " .

USC-MSA web (English) reference : Book 52, Hadith 3
Arabic reference : Book 52, Hadith 1753

Yahya related to me from Malik from Yahya ibn Said that Abu Salama ibn Abd ar-Rahman said, "I heard Abu Qatada ibn Ribiyy say that he heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'The good dream is from Allah, and the bad dream is from shaytan. When you see what you dislike, spit to your left side three times when you wake up, and seek refuge with Allah from its evil. It will not harm you then, Allah willing.' " Abu Salama

said, "I would see dreams which weighed on me more heavily than a mountain. When I heard this hadith, I was not concerned about it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّهُ قَالَ سَمِعْتُ أَبَا قَتَادَةَ بْنَ رِبْعِيٍّ، يَقُولُ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " الرُّؤْيَا الصَّالِحَةُ مِنَ اللَّهِ وَالْحُلْمُ مِنَ الشَّيْطَانِ فَإِذَا رَأَى أَحَدُكُمُ الشَّىْءَ يَكْرَهُهُ فَلْيَنْفُثْ عَنْ يَسَارِهِ ثَلاَثَ مَرَّاتٍ إِذَا اسْتَيْقَظَ وَلْيَتَعَوَّذْ بِاللَّهِ مِنْ شَرِّهَا فَإِنَّهَا لَنْ تَضُرَّهُ إِنْ شَاءَ اللَّهُ " . قَالَ أَبُو سَلَمَةَ إِنْ كُنْتُ لأَرَى الرُّؤْيَا هِيَ أَثْقَلُ عَلَىَّ مِنَ الْجَبَلِ فَلَمَّا سَمِعْتُ هَذَا الْحَدِيثَ فَمَا كُنْتُ أُبَالِيهَا .

USC-MSA web (English) reference : Book 52, Hadith 4
Arabic reference : Book 52, Hadith 1754

Yahya related to me from Malik from Hisham ibn Urwa that his father said about this ayat, "You have good news in the life of this world and the next world," (Sura 10 ayat 64), that it was the good dream which the man who was salih saw or which was shown to him.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ فِي هَذِهِ الآيَةِ {لَهُمُ الْبُشْرَى فِي الْحَيَاةِ الدُّنْيَا وَفِي الآخِرَةِ} . قَالَ هِيَ الرُّؤْيَا الصَّالِحَةُ يَرَاهَا الرَّجُلُ الصَّالِحُ أَوْ تُرَى لَهُ .

USC-MSA web (English) reference : Book 52, Hadith 5
Arabic reference : Book 52, Hadith 1755

Yahya related to me from Malik from Musa ibn Maysara from Said ibn Abi Hind from Abu Musa al-Ashari that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever plays games of dice has disobeyed Allah and His Messenger. "

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ مُوسَى بْنِ مَيْسَرَةَ، عَنْ سَعِيدِ بْنِ أَبِي هِنْدٍ، عَنْ أَبِي مُوسَى الأَشْعَرِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ لَعِبَ بِالنَّرْدِ فَقَدْ عَصَى اللَّهَ وَرَسُولَهُ " .

USC-MSA web (English) reference : Book 52, Hadith 6
Arabic reference : Book 52, Hadith 1756

Yahya related to me from Malik from Alqama from his mother that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, heard that the people who lived in a room in her house had some dice. She sent a message to them, "If you do not remove them, I will remove you from my house," and she reproached them for it.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَلْقَمَةَ بْنِ أَبِي عَلْقَمَةَ، عَنْ أُمِّهِ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهُ بَلَغَهَا أَنَّ أَهْلَ بَيْتٍ فِي دَارِهَا كَانُوا سُكَّانًا فِيهَا وَعِنْدَهُمْ نَرْدٌ فَأَرْسَلَتْ إِلَيْهِمْ لَئِنْ لَمْ تُخْرِجُوهَا لأُخْرِجَنَّكُمْ مِنْ دَارِي وَأَنْكَرَتْ ذَلِكَ عَلَيْهِمْ .

USC-MSA web (English) reference : Book 52, Hadith 6
Arabic reference : Book 52, Hadith 1757

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that when he found one of his family playing dice he beat him and destroyed the dice.

Yahya said that he heard Malik say, "There is no good in chess, and he disapproved of it." Yahya said, "I heard him disapprove of playing it and other worthless games. He recited this ayat, 'What is there after the truth except going the wrong way.' " (Sura l0 ayat 32).

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ كَانَ إِذَا وَجَدَ أَحَدًا مِنْ أَهْلِهِ يَلْعَبُ بِالنَّرْدِ ضَرَبَهُ وَكَسَرَهَا . قَالَ يَحْيَى وَسَمِعْتُ مَالِكًا يَقُولُ لاَ خَيْرَ فِي الشَّطْرَنْجِ . وَكَرِهَهَا وَسَمِعْتُهُ يَكْرَهُ اللَّعِبَ بِهَا وَبِغَيْرِهَا مِنَ الْبَاطِلِ وَيَتْلُو هَذِهِ الآيَةَ {فَمَاذَا بَعْدَ الْحَقِّ إِلاَّ الضَّلاَلُ }.

USC-MSA web (English) reference : Book 52, Hadith 7
Arabic reference : Book 52, Hadith 1758

53 - Greetings كتاب السلام

Yahya related to me from Malik from Zayd ibn Aslam that the Messenger of Allah, may Allah bless him and grant him peace, said, "The one riding greets the one walking, and when one of a group of people gives a greeting, it is enough for all of them."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " يُسَلِّمُ الرَّاكِبُ عَلَى الْمَاشِي وَإِذَا سَلَّمَ مِنَ الْقَوْمِ وَاحِدٌ أَجْزَأَ عَنْهُمْ " .

USC-MSA web (English) reference : Book 53, Hadith 1
Arabic reference : Book 53, Hadith 1759

Yahya related to me from Malik from Wahb ibn Kaysan that Muhammad ibn Amr ibn Ata said, "I was sitting with Abdullah ibn Abbas when a Yemeni man came in. He said, 'Peace be upon you, and the mercy of Allah and His blessing' (as-salamu alaykum wa rahmatullahi wa barakatuhu), and then he added something more to that. Ibn Abbas said (and at that time his eyesight had gone), 'Who is this?' People said, 'This is a Yemeni who has come to see you,' and they introduced him. Ibn Abbas said, 'The greeting ends with the word blessing.' "

Yahya said that Malik was asked, "Does one greet a woman?" He said, "As for an old woman, I do not disapprove of it. As for a young woman, I do not like it."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ وَهْبِ بْنِ كَيْسَانَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ عَطَاءٍ، أَنَّهُ قَالَ كُنْتُ جَالِسًا عِنْدَ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ فَدَخَلَ عَلَيْهِ رَجُلٌ مِنْ أَهْلِ الْيَمَنِ فَقَالَ السَّلاَمُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ . ثُمَّ زَادَ شَيْئًا مَعَ ذَلِكَ أَيْضًا . قَالَ ابْنُ عَبَّاسٍ وَهُوَ يَوْمَئِذٍ قَدْ ذَهَبَ بَصَرُهُ مَنْ هَذَا قَالُوا هَذَا الْيَمَانِيُّ الَّذِي يَغْشَاكَ . فَعَرَّفُوهُ إِيَّاهُ . قَالَ فَقَالَ ابْنُ عَبَّاسٍ إِنَّ السَّلاَمَ انْتَهَى إِلَى الْبَرَكَةِ . قَالَ يَحْيَى سُئِلَ مَالِكٌ هَلْ يُسَلَّمُ عَلَى الْمَرْأَةِ فَقَالَ أَمَّا الْمُتَجَالَّةُ فَلاَ أَكْرَهُ ذَلِكَ وَأَمَّا الشَّابَّةُ فَلاَ أُحِبُّ ذَلِكَ .

USC-MSA web (English) reference : Book 53, Hadith 2
Arabic reference : Book 53, Hadith 1760

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar said that the Messenger of Allah, may Allah bless him and grant him peace, said, "When a jew greets you, and says 'Death to you' (as-samu alaykum) say, 'And to you.' "

Yahya said, "Malik was asked whether a person who greeted a jew or christian, should apologise for it. He said, 'No'."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّ الْيَهُودَ إِذَا سَلَّمَ عَلَيْكُمْ أَحَدُهُمْ فَإِنَّمَا يَقُولُ السَّامُ عَلَيْكُمْ . فَقُلْ عَلَيْكَ " .

USC-MSA web (English) reference : Book 53, Hadith 3
Arabic reference : Book 53, Hadith 1761

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha from Abu Murra, the mawla of Aqil ibn Abi Talib from Abu Waqid al-Laythi that the Messenger of Allah, may Allah bless him and grant him peace, was sitting in the mosque with some people when three people came in. Two came toward the Messenger of Allah, may Allah bless him and grant him peace, and one went away. When the two stopped at the assembly of the Messenger of Allah, may Allah bless him and grant him peace, they gave the greeting. One of them saw a gap in the circle and sat in it. The other sat down behind the circle. The third turned away and left. When the Messenger of Allah, may Allah bless him

and grant him peace, finished, he said, "Shall I tell you about three people? One of them sought shelter with Allah, so Allah gave him shelter. The other was shy, so Allah was shy to him. The other turned away, so Allah turned away from him."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَبِي مُرَّةَ، مَوْلَى عَقِيلِ بْنِ أَبِي طَالِبٍ عَنْ أَبِي وَاقِدٍ اللَّيْثِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم بَيْنَمَا هُوَ جَالِسٌ فِي الْمَسْجِدِ وَالنَّاسُ مَعَهُ إِذْ أَقْبَلَ نَفَرٌ ثَلاَثَةٌ فَأَقْبَلَ اثْنَانِ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم وَذَهَبَ وَاحِدٌ فَلَمَّا وَقَفَا عَلَى مَجْلِسِ رَسُولِ اللَّهِ صلى الله عليه وسلم سَلَّمَا فَأَمَّا أَحَدُهُمَا فَرَأَى فُرْجَةً فِي الْحَلْقَةِ فَجَلَسَ فِيهَا وَأَمَّا الآخَرُ فَجَلَسَ خَلْفَهُمْ وَأَمَّا الثَّالِثُ فَأَدْبَرَ ذَاهِبًا فَلَمَّا فَرَغَ رَسُولُ اللَّهِ صلى الله عليه وسلم قَالَ " أَلاَ أُخْبِرُكُمْ عَنِ النَّفَرِ الثَّلاَثَةِ أَمَّا أَحَدُهُمْ فَأَوَى إِلَى اللَّهِ فَآوَاهُ اللَّهُ وَأَمَّا الآخَرُ فَاسْتَحْيَا فَاسْتَحْيَا اللَّهُ مِنْهُ وَأَمَّا الآخَرُ فَأَعْرَضَ فَأَعْرَضَ اللَّهُ عَنْهُ " .

USC-MSA web (English) reference : Book 53, Hadith 4
Arabic reference : Book 53, Hadith 1762

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik heard Umar ibn al-Khattab return the greeting of a man who greeted him. Then Umar asked the man, "How are you?" He said, "I praise Allah to you." (Ahmadu ilayka Allah) Umar said, "That is what I wanted from you."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ سَمِعَ عُمَرَ بْنَ الْخَطَّابِ، وَسَلَّمَ، عَلَيْهِ رَجُلٌ فَرَدَّ عَلَيْهِ السَّلاَمَ ثُمَّ سَأَلَ عُمَرُ الرَّجُلَ كَيْفَ أَنْتَ فَقَالَ أَحْمَدُ إِلَيْكَ اللَّهَ . فَقَالَ عُمَرُ ذَلِكَ الَّذِي أَرَدْتُ مِنْكَ .

USC-MSA web (English) reference : Book 53, Hadith 5
Arabic reference : Book 53, Hadith 1763

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that at-Tufayl ibn Ubayy ibn Kab told him that he visited Abdullah ibn Umar one morning and went out with him to the market, and when they were out, Abdullah ibn Umar did not pass by anyone selling poor merchandise or selling commodities or a needy person or anyone but that he greeted them.

At-Tufayl said, "I came to Abdullah ibn Umar one day and he asked me to follow him to the market. I said to him, 'What will you do in the market if you will not stop to sell nor seek any goods or barter with them or sit in any of the assemblies or market?' Abdullah ibn Umar said that we should sit down and talk, and then he explained, 'Abu Batni, (lit. father of the belly, at- Tufayl had a prominent stomach), we go out in the morning only for the sake of the greeting. We greet whomever we meet.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، أَنَّ الطُّفَيْلَ بْنَ أُبَىِّ بْنِ كَعْبٍ، أَخْبَرَهُ أَنَّهُ، كَانَ يَأْتِي عَبْدَ اللَّهِ بْنَ عُمَرَ فَيَغْدُو مَعَهُ إِلَى السُّوقِ قَالَ فَإِذَا غَدَوْنَا إِلَى السُّوقِ لَمْ يَمُرَّ عَبْدُ اللَّهِ بْنُ عُمَرَ عَلَى سَقَاطٍ وَلاَ صَاحِبِ بَيْعَةٍ وَلاَ مِسْكِينٍ وَلاَ أَحَدٍ إِلاَّ سَلَّمَ عَلَيْهِ - قَالَ الطُّفَيْلُ - فَجِئْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ يَوْمًا فَاسْتَتْبَعَنِي إِلَى السُّوقِ فَقُلْتُ لَهُ وَمَا تَصْنَعُ فِي السُّوقِ وَأَنْتَ لاَ تَقِفُ عَلَى الْبَيِّعِ وَلاَ تَسْأَلُ عَنِ السِّلَعِ وَلاَ تَسُومُ بِهَا وَلاَ تَجْلِسُ فِي مَجَالِسِ السُّوقِ قَالَ وَأَقُولُ اجْلِسْ بِنَا هَا هُنَا نَتَحَدَّثْ . قَالَ فَقَالَ لِي عَبْدُ اللَّهِ بْنُ عُمَرَ يَا أَبَا بَطْنٍ - وَكَانَ الطُّفَيْلُ ذَا بَطْنٍ - إِنَّمَا نَغْدُو مِنْ أَجْلِ السَّلاَمِ نُسَلِّمُ

USC-MSA web (English) reference : Book 53, Hadith 6
Arabic reference : Book 53, Hadith 1764

Yahya related to me from Malik from Yahya ibn Said that a man greeted Abdullah ibn Umar. He said, "Peace be upon you and the mercy of Allah and his barakat, on and on." Abdullah ibn Umar said to him, "And on you, a thousand times," as if he disliked that.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَجُلاً، سَلَّمَ عَلَى عَبْدِ اللَّهِ بْنِ عُمَرَ فَقَالَ السَّلاَمُ عَلَيْكَ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ وَالْغَادِيَاتُ وَالرَّائِحَاتُ . فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ عُمَرَ وَعَلَيْكَ أَلْفًا . ثُمَّ كَأَنَّهُ كَرِهَ ذَلِكَ .

USC-MSA web (English) reference : Book 53, Hadith 7
Arabic reference : Book 53, Hadith 1765

Yahya related to me from Malik that he heard that when one entered an unoccupied house, one should say, "Peace be upon us and on the slaves of Allah, who are salih." (As-salamu alayna wa ala ibadillahi's-saliheen).O

وَحَدَّثَنِي عَنْ مَالِكٍ أَنَّهُ بَلَغَهُ إِذَا دُخِلَ الْبَيْتُ غَيْرُ الْمَسْكُونِ يُقَالُ السَّلاَمُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ .

USC-MSA web (English) reference : Book 53, Hadith 8
Arabic reference : Book 53, Hadith 1765

54 - General Subjects كتاب الاستئذان

Malik related to me from Safwan ibn Sulaym from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, was questioned by a man who said, "Messenger of Allah, shall I ask permission of my mother to enter?" He said, "Yes " The man said, "I live with her in the house". The Messenger of Allah, may Allah bless him and grant him peace, said "Ask her permission." The man said, "I am her servant." The Messenger of Allah. may Allah bless him and grant him peace, said, "Ask her permission. Do you want to see her naked?" He said, "No." He said, "Then ask her permission."

حَدَّثَنِي مَالِكٌ، عَنْ صَفْوَانَ بْنَ سُلَيْمٍ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سَأَلَهُ رَجُلٌ فَقَالَ يَا رَسُولَ اللَّهِ أَسْتَأْذِنُ عَلَى أُمِّي فَقَالَ " نَعَمْ " . قَالَ الرَّجُلُ إِنِّي مَعَهَا فِي الْبَيْتِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " اسْتَأْذِنْ عَلَيْهَا " . فَقَالَ الرَّجُلُ إِنِّي خَادِمُهَا . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " اسْتَأْذِنْ عَلَيْهَا أَتُحِبُّ أَنْ تَرَاهَا عُرْيَانَةً " . قَالَ لاَ . قَالَ " فَاسْتَأْذِنْ عَلَيْهَا " .

USC-MSA web (English) reference : Book 54, Hadith 1
Arabic reference : Book 54, Hadith 1766

Malik related to me from a reliable source of his from Bukayr ibn Abdullah ibn al-Ashajj from Basr ibn Said from Abu Said al-Khudri that Abu Musa al-Ashari said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'One asks permission three times. If you are given permission, then enter. If not, go away.' "

وَحَدَّثَنِي مَالِكٌ، عَنِ الثِّقَةِ، عِنْدَهُ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الأَشَجِّ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، عَنْ أَبِي مُوسَى الأَشْعَرِيِّ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " الاِسْتِئْذَانُ ثَلاَثٌ فَإِنْ أُذِنَ لَكَ فَادْخُلْ وَإِلاَّ فَارْجِعْ " .

USC-MSA web (English) reference : Book 54, Hadith 2
Arabic reference : Book 54, Hadith 1767

Malik related to me from Rabia ibn Abi Abd ar-Rahman from another of the ulama of that time that Abu Musa al-Ashari came and asked permission from Umar ibn al-Khattab to enter. He asked permission three times, and then went away Umar ibn al-Khattab sent after him and said, "What's wrong with you? Why didn't you come in?" Abu Musa said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Ask permission to enter three times. If you are given permission, then enter. If not, go away.' "Umar said, "Who can confirm this? If you do not bring me someone to confirm it, I will do such-and-such to you."

Abu Musa went out until he came to an assembly in the mosque which was called the Majlis-al-Ansar. He said, "I told Umar ibn al-Khattab that I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Ask permission three times. If you are given permission, then enter. If not, go away.' Umar said, 'If you do not bring me someone who can confirm it, I will do such- and-such to you'. If any of you have heard that, let him come with me.' " They said to Abu Said al-Khudri, "Go with him". Abu Said was the youngest of them. He went with him and told Umar ibn al-Khattab about that."
Umar ibn al-Khattab said to Abu Musa, "I did not suspect you, but I feared lest people forge sayings of the Messenger of Allah, may Allah bless him and grant him peace."

وَحَدَّثَنِي مَالِكٌ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ غَيْرِ، وَاحِدٍ، مِنْ عُلَمَائِهِمْ أَنَّ أَبَا مُوسَى الأَشْعَرِيَّ، جَاءَ يَسْتَأْذِنُ عَلَى عُمَرَ بْنِ الْخَطَّابِ فَاسْتَأْذَنَ ثَلاَثًا ثُمَّ رَجَعَ فَأَرْسَلَ عُمَرُ بْنُ الْخَطَّابِ فِي أَثَرِهِ فَقَالَ مَا لَكَ لَمْ تَدْخُلْ فَقَالَ أَبُو مُوسَى سَمِعْتُ رَسُولَ اللَّهِ صلى

الله عليه وسلم يَقُولُ " الاِسْتِئْذَانُ ثَلاَثٌ فَإِنْ أُذِنَ لَكَ فَادْخُلْ وَإِلاَّ فَارْجِعْ " . فَقَالَ عُمَرُ وَمَنْ يَعْلَمُ هَذَا لَئِنْ لَمْ تَأْتِنِي بِمَنْ يَعْلَمُ ذَلِكَ لأَفْعَلَنَّ بِكَ كَذَا وَكَذَا . فَخَرَجَ أَبُو مُوسَى حَتَّى جَاءَ مَجْلِسًا فِي الْمَسْجِدِ يُقَالُ لَهُ مَجْلِسُ الأَنْصَارِ فَقَالَ إِنِّي أَخْبَرْتُ عُمَرَ بْنَ الْخَطَّابِ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " الاِسْتِئْذَانُ ثَلاَثٌ فَإِنْ أُذِنَ لَكَ فَادْخُلْ وَإِلاَّ فَارْجِعْ " . فَقَالَ لَئِنْ لَمْ تَأْتِنِي بِمَنْ يَعْلَمُ هَذَا لأَفْعَلَنَّ بِكَ كَذَا وَكَذَا . فَإِنْ كَانَ سَمِعَ ذَلِكَ أَحَدٌ مِنْكُمْ فَلْيَقُمْ مَعِي . فَقَالُوا لأَبِي سَعِيدٍ الْخُدْرِيِّ قُمْ مَعَهُ . وَكَانَ أَبُو سَعِيدٍ أَصْغَرَهُمْ فَقَامَ مَعَهُ فَأَخْبَرَ بِذَلِكَ عُمَرَ بْنَ الْخَطَّابِ . فَقَالَ عُمَرُ بْنُ الْخَطَّابِ لأَبِي مُوسَى أَمَا إِنِّي لَمْ أَتَّهِمْكَ وَلَكِنْ خَشِيتُ أَنْ يَتَقَوَّلَ النَّاسُ عَلَى رَسُولِ اللَّهِ صلى الله عليه وسلم .

USC-MSA web (English) reference : Book 54, Hadith 3
Arabic reference : Book 54, Hadith 1768

Malik related to me from Abdullah ibn Abi Bakr from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a man sneezes, invoke a blessing on him. Then if he sneezes, invoke a blessing on him. Then if he sneezes, invoke a blessing on him. Then if he sneezes, say, 'You have a cold'." Abdullah ibn Abi Bakr said, "I don't know whether it was after the third or fourth."

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنْ عَطَسَ فَشَمِّتْهُ ثُمَّ إِنْ عَطَسَ فَشَمِّتْهُ ثُمَّ إِنْ عَطَسَ فَشَمِّتْهُ ثُمَّ إِنْ عَطَسَ فَقُلْ إِنَّكَ مَضْنُوكٌ " . قَالَ عَبْدُ اللَّهِ بْنُ أَبِي بَكْرٍ لاَ أَدْرِي أَبَعْدَ الثَّالِثَةِ أَوِ الرَّابِعَةِ

USC-MSA web (English) reference : Book 54, Hadith 4
Arabic reference : Book 54, Hadith 1769

Malik related to me from Nafi that when Abdullah ibn Umar sneezed and someone said to him, "May Allah have mercy on you," (Yarhamuka'llah), he said, "May Allah have mercy on us and you, and forgive us and you." (Yarhamuna'llah wa yaghfirlana wa lakum).

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَانَ إِذَا عَطَسَ فَقِيلَ لَهُ يَرْحَمُكَ اللَّهُ . قَالَ يَرْحَمُنَا اللَّهُ وَإِيَّاكُمْ وَيَغْفِرُ لَنَا وَلَكُمْ .

USC-MSA web (English) reference : Book 54, Hadith 5
Arabic reference : Book 54, Hadith 1770

Malik related to me from Ishaq ibn Abdullah ibn Abi Talha that Rafi ibn Ishaq, the mawla of ash-Shifa informed him that he and Abdullah ibn Abi Talha had gone to visit Abu Said al-Khudri while he was ill. Abu Said said to them, "The Messenger of Allah, may Allah bless him and grant him peace, informed us, 'The angels do not enter a house which contains pictures or images.' " Ishaq was not sure which of them Abu Said said.

حَدَّثَنِي مَالِكٌ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، أَنَّ رَافِعَ بْنَ إِسْحَاقَ، مَوْلَى الشِّفَاءِ أَخْبَرَهُ قَالَ دَخَلْتُ أَنَا وَعَبْدُ اللَّهِ بْنُ أَبِي طَلْحَةَ، عَلَى أَبِي سَعِيدٍ الْخُدْرِيِّ نَعُودُهُ فَقَالَ لَنَا أَبُو سَعِيدٍ أَخْبَرَنَا رَسُولُ اللَّهِ صلى الله عليه وسلم " أَنَّ الْمَلاَئِكَةَ لاَ تَدْخُلُ بَيْتًا فِيهِ تَمَاثِيلُ أَوْ تَصَاوِيرُ " . شَكَّ إِسْحَاقُ لاَ يَدْرِي أَيَّتَهُمَا قَالَ أَبُو سَعِيدٍ .

USC-MSA web (English) reference : Book 54, Hadith 6
Arabic reference : Book 54, Hadith 1771

Malik related to me from Abu'n-Nasr that Ubaydullah ibn Abdullah ibn Utba ibn Masud went to visit Abu Talha al-Ansari when he was ill. He said, "I found Sahl ibn Hunayf with him. Abu Talha summoned a man and removed a rug which was under him. Sahl ibn Hunayf said to him, 'Why did you remove it?' He said, 'Because there were pictures on it, and the Messenger of Allah, may Allah bless him and grant him peace, said what you know about them.' Sahl replied, 'Didn't the Messenger of Allah, may Allah bless him and grant him peace, say, "except for markings on a garment?"' (A rug was considered a garment). He said, 'Yes, but it is more pleasing to myself.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ أَبِي النَّضْرِ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، أَنَّهُ دَخَلَ عَلَى أَبِي طَلْحَةَ الأَنْصَارِيِّ يَعُودُهُ قَالَ فَوَجَدَ عِنْدَهُ سَهْلَ بْنَ حُنَيْفٍ فَدَعَا أَبُو طَلْحَةَ إِنْسَانًا فَنَزَعَ نَمَطًا مِنْ تَحْتِهِ فَقَالَ لَهُ سَهْلُ بْنُ حُنَيْفٍ لِمَ تَنْزِعُهُ قَالَ لأَنَّ فِيهِ تَصَاوِيرَ وَقَدْ قَالَ فِيهَا رَسُولُ اللَّهِ صلى الله عليه وسلم مَا قَدْ عَلِمْتَ . فَقَالَ سَهْلٌ أَلَمْ يَقُلْ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِلاَّ مَا كَانَ رَقْمًا فِي ثَوْبٍ " . قَالَ بَلَى وَلَكِنَّهُ أَطْيَبُ لِنَفْسِي .

USC-MSA web (English) reference : Book 54, Hadith 7
Arabic reference : Book 54, Hadith 1772

Malik related to me from Nafi from al-Qasim ibn Muhammad from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that she bought a cushion which had pictures on it. When the Messenger of Allah, may Allah bless him and grant him peace, saw it, he stopped at the door and did not enter. She recognised disapproval on his face and said, "Messenger of Allah, I turn in repentance to Allah and His Messenger. What have I done wrong?" The Messenger of Allah, may Allah bless him and grant him peace, said, "What is the meaning of this cushion?" She said, "I bought it for you to sit and recline on." The Messenger of Allah, may Allah bless him and grant him peace, said, "Those who make such pictures will be punished on the Day of Rising. It will be said to them, 'Bring to life what you have created'. Then he said, 'The angels do not enter a house in which there are pictures.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّهَا اشْتَرَتْ نُمْرُقَةً فِيهَا تَصَاوِيرُ فَلَمَّا رَآهَا رَسُولُ اللَّهِ صلى الله عليه وسلم قَامَ عَلَى الْبَابِ فَلَمْ يَدْخُلْ فَعَرَفَتْ فِي وَجْهِهِ الْكَرَاهِيَةَ وَقَالَتْ يَا رَسُولَ اللَّهِ أَتُوبُ إِلَى اللَّهِ وَإِلَى رَسُولِهِ فَمَاذَا أَذْنَبْتُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " فَمَا بَالُ هَذِهِ النُّمْرُقَةِ " . قَالَتِ اشْتَرَيْتُهَا لَكَ تَقْعُدُ عَلَيْهَا وَتَوَسَّدُهَا . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّ أَصْحَابَ هَذِهِ الصُّوَرِ يُعَذَّبُونَ يَوْمَ الْقِيَامَةِ يُقَالُ لَهُمْ أَحْيُوا مَا خَلَقْتُمْ " . ثُمَّ قَالَ " إِنَّ الْبَيْتَ الَّذِي فِيهِ الصُّوَرُ لاَ تَدْخُلُهُ الْمَلاَئِكَةُ " .

USC-MSA web (English) reference : Book 54, Hadith 8
Arabic reference : Book 54, Hadith 1773

Malik related to me from Abd ar-Rahman ibn Abdullah ibn Abd ar- Rahman ibn Abi Sasaca that Sulayman ibn Yasar said, "The Messenger of Allah, may Allah bless him and grant him peace, entered the house of Maimuna bint al-Harith and there was a lizard in which there were eggs to eat. Abdullah ibn Abbas and Khalid ibn al-Walid were with him. He said, 'From where did you get this?' She replied, 'My sister, Huzayla bint al-Harith, gave it to me.' He then told Abdullah ibn Abbas and Khalid to eat. They said, 'Won't you eat, Messenger of Allah?' He said, 'There are those who visit me from Allah.' Maimuna said, 'Messenger of Allah, shall we give you some milk to drink which we have?' He said, 'Yes.' When he drank, he said, 'From where did you get this?' She said, 'My sister, Huzayla gave it to me.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Do you see your slave-girl whom you asked me for permission to free? Give her to your sister and bring her to your maternal relatives to take care of her. That is better for you.' "

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي صَعْصَعَةَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّهُ قَالَ دَخَلَ رَسُولُ اللَّهِ صلى الله عليه وسلم بَيْتَ مَيْمُونَةَ بِنْتِ الْحَارِثِ فَإِذَا ضِبَابٌ فِيهَا بَيْضٌ وَمَعَهُ عَبْدُ اللَّهِ بْنُ عَبَّاسٍ وَخَالِدُ بْنُ الْوَلِيدِ فَقَالَ " مِنْ أَيْنَ لَكُمْ هَذَا " . فَقَالَتْ أَهْدَتْهُ لِي أُخْتِي هُزَيْلَةُ بِنْتُ الْحَارِثِ . فَقَالَ لِعَبْدِ اللَّهِ بْنِ عَبَّاسٍ وَخَالِدِ بْنِ الْوَلِيدِ " كُلاَ " . فَقَالاَ أَوَلاَ تَأْكُلُ أَنْتَ يَا رَسُولَ اللَّهِ فَقَالَ " إِنِّي تَحْضُرُنِي مِنَ اللَّهِ حَاضِرَةٌ " . قَالَتْ مَيْمُونَةُ أَنَسْقِيكَ يَا رَسُولَ اللَّهِ مِنْ لَبَنٍ عِنْدَنَا فَقَالَ " نَعَمْ " . فَلَمَّا شَرِبَ قَالَ " مِنْ أَيْنَ لَكُمْ هَذَا " . فَقَالَتْ أَهْدَتْهُ لِي أُخْتِي هُزَيْلَةُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَرَأَيْتِكِ جَارِيَتَكِ الَّتِي كُنْتِ اسْتَأْمَرْتِينِي فِي عِتْقِهَا أَعْطِيهَا أُخْتَكِ وَصِلِي بِهَا رَحِمَكِ تَرْعَى عَلَيْهَا فَإِنَّهُ خَيْرٌ لَكِ " .

USC-MSA web (English) reference : Book 54, Hadith 9
Arabic reference : Book 54, Hadith 1774

Malik related to me from Ibn Shihab from Abu Umama ibn Sahl ibn Hunayf from Abdullah ibn Abbas that Khalid ibn al-Walid ibn al-Mughira entered the house of Maimuna, the wife of the Prophet, may Allah bless him and grant him peace, with the Messenger of Allah, may Allah bless him and grant him peace, and he was brought a roasted lizard. The Messenger of Allah, may Allah bless him and grant him peace, stretched his hand toward it. One of the women who was in Maimuna's house said, "Tell the Messenger of Allah, may Allah bless him and grant him peace, what he means to eat." Someone said, "It is a lizard, Messenger of Allah." He withdrew his hand. Khalid said, "Is it haram, Messenger of Allah?" He said, "No, but there were none in my people's land, and I find that I dislike them."

Khalid added, "I chewed and ate it while the Messenger of Allah, may Allah bless him and grant him peace, was looking."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي أُمَامَةَ بْنِ سَهْلِ بْنِ حُنَيْفٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ خَالِدِ بْنِ الْوَلِيدِ بْنِ الْمُغِيرَةِ، أَنَّهُ دَخَلَ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم بَيْتَ مَيْمُونَةَ زَوْجِ النَّبِيِّ صلى الله عليه وسلم فَأُتِيَ بِضَبٍّ مَحْنُوذٍ فَأَهْوَى إِلَيْهِ رَسُولُ اللَّهِ صلى الله عليه وسلم بِيَدِهِ . فَقَالَ بَعْضُ النِّسْوَةِ اللاَّتِي فِي بَيْتِ مَيْمُونَةَ أَخْبِرُوا رَسُولَ اللَّهِ صلى الله عليه وسلم بِمَا يُرِيدُ أَنْ يَأْكُلَ مِنْهُ . فَقِيلَ هُوَ ضَبٌّ يَا رَسُولَ اللَّهِ . فَرَفَعَ يَدَهُ فَقُلْتُ أَحَرَامٌ هُوَ يَا رَسُولَ اللَّهِ فَقَالَ " لاَ وَلَكِنَّهُ لَمْ يَكُنْ بِأَرْضِ قَوْمِي فَأَجِدُنِي أَعَافُهُ " . قَالَ خَالِدٌ فَاجْتَرَرْتُهُ فَأَكَلْتُهُ وَرَسُولُ اللَّهِ صلى الله عليه وسلم يَنْظُرُ .

USC-MSA web (English) reference : Book 54, Hadith 10
Arabic reference : Book 54, Hadith 1775

Malik related to me from Abdullah ibn Dinar from Abdullah ibn Umar that a man called the Messenger of Allah and said, "Messenger of Allah, what do you think about lizards?" The Messenger of Allah, may Allah bless him and grant him peace, said, "I do not eat them, and I do not forbid them."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَجُلاً، نَادَى رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ مَا تَرَى فِي الضَّبِّ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لَسْتُ بِآكِلِهِ وَلاَ بِمُحَرِّمِهِ " .

USC-MSA web (English) reference : Book 54, Hadith 11
Arabic reference : Book 54, Hadith 1776

Malik related to me from Yazid ibn Khusayfa that as-Sa'ib ibn Yazid informed him that he heard Sufyan ibn Abi Zuhayr who was from the Azd Shanua tribe and among the companions of the Messenger of Allah, may Allah bless

him and grant him peace, speaking with some people who were with him at the door of the mosque. He said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'If anyone acquires a dog which he does not use as a sheepdog or for hunting, a qirat will be deducted from the reward of his good deeds each day.' " He was asked, "Did you hear this from the Messenger of Allah, may Allah bless him and grant him peace?" He said, "Yes, by the Lord of this mosque."

حَدَّثَنِي مَالِكٌ، عَنْ يَزِيدَ بْنِ خُصَيْفَةَ، أَنَّ السَّائِبَ بْنَ يَزِيدَ، أَخْبَرَهُ أَنَّهُ، سَمِعَ سُفْيَانَ بْنَ أَبِي زُهَيْرٍ، وَهُوَ رَجُلٌ مِنْ أَزْدِ شَنُوءَةَ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صلى الله عليه وسلم وَهُوَ يُحَدِّثُ نَاسًا مَعَهُ عِنْدَ بَابِ الْمَسْجِدِ فَقَالَ سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " مَنِ اقْتَنَى كَلْبًا لاَ يُغْنِي عَنْهُ زَرْعًا وَلاَ ضَرْعًا نَقَصَ مِنْ عَمَلِهِ كُلَّ يَوْمٍ قِيرَاطٌ " . قَالَ آنْتَ سَمِعْتَ هَذَا مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ إِي وَرَبِّ هَذَا الْمَسْجِدِ .

USC-MSA web (English) reference : Book 54, Hadith 12
Arabic reference : Book 54, Hadith 1777

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever acquires a dog other than a sheepdog or hunting dog, will have two qirats deducted from the reward of his good actions every day."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنِ اقْتَنَى كَلْبًا إِلاَّ كَلْبًا ضَارِيًا أَوْ كَلْبَ مَاشِيَةٍ نَقَصَ مِنْ عَمَلِهِ كُلَّ يَوْمٍ قِيرَاطَانِ " .

USC-MSA web (English) reference : Book 54, Hadith 13
Arabic reference : Book 54, Hadith 1778

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, ordered dogs to be killed.

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَمَرَ بِقَتْلِ الْكِلاَبِ .

USC-MSA web (English) reference : Book 54, Hadith 13
Arabic reference : Book 54, Hadith 1779

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The head of kufr is towards the east. Boasting and price is among people who have horses and camels. The loud-voiced people are the people of tents (the Bedouins). Tranquillity is with the people who have sheep."

حَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " رَأْسُ الْكُفْرِ نَحْوَ الْمَشْرِقِ وَالْفَخْرُ وَالْخُيَلاَءُ فِي أَهْلِ الْخَيْلِ وَالإِبِلِ وَالْفَدَّادِينَ أَهْلِ الْوَبَرِ وَالسَّكِينَةُ فِي أَهْلِ الْغَنَمِ " .

USC-MSA web (English) reference : Book 54, Hadith 15
Arabic reference : Book 54, Hadith 1780

Malik related to me from Abd ar-Rahman ibn Abd ar-Rahman ibn Sasaca from his father that Abu Said al-Khudri said that the Messenger of Allah, may Allah bless him and grant him peace, said, "It will soon happen that the best

property of a muslim will be sheep which he takes to the peaks of the mountains and the valleys, fleeing with his deen from trials."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي صَعْصَعَةَ، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " يُوشِكُ أَنْ يَكُونَ خَيْرُ مَالِ الْمُسْلِمِ غَنَمًا يَتْبَعُ بِهَا شَعَفَ الْجِبَالِ وَمَوَاقِعَ الْقَطْرِ يَفِرُّ بِدِينِهِ مِنَ الْفِتَنِ " .

USC-MSA web (English) reference : Book 54, Hadith 16
Arabic reference : Book 54, Hadith 1781

Malik related to me from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "No one should milk someone else's cow without his permission. Would any of you like someone to come to his apartment, break into his larder, and take his food? The udders of cows guard their food for their owners, so no one should milk someone else's cow without his permission."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَحْتَلِبَنَّ أَحَدٌ مَاشِيَةَ أَحَدٍ بِغَيْرِ إِذْنِهِ أَيُحِبُّ أَحَدُكُمْ أَنْ تُؤْتَى مَشْرُبَتُهُ فَتُكْسَرَ خِزَانَتُهُ فَيُنْتَقَلَ طَعَامُهُ وَإِنَّمَا تَخْزُنُ لَهُمْ ضُرُوعُ مَوَاشِيهِمْ أَطْعِمَاتِهِمْ فَلاَ يَحْتَلِبَنَّ أَحَدٌ مَاشِيَةَ أَحَدٍ إِلاَّ بِإِذْنِهِ " .

USC-MSA web (English) reference : Book 54, Hadith 17
Arabic reference : Book 54, Hadith 1782

Malik related to me that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no Prophet who has not herded sheep," and someone asked, "You as well, Messenger of Allah?" He said, "Myself as well."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَا مِنْ نَبِيٍّ إِلاَّ قَدْ رَعَى غَنَمًا " . قِيلَ وَأَنْتَ يَا رَسُولَ اللَّهِ قَالَ " وَأَنَا " .

USC-MSA web (English) reference : Book 54, Hadith 18
Arabic reference : Book 54, Hadith 1783

Malik related to me from Nafi that one time as Ibn Umar was served his evening meal, he heard the recitation of the Imam while he was in his house and he did not hurry from his food until he had finished what he needed.

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، أَنَّ ابْنَ عُمَرَ، كَانَ يُقَرَّبُ إِلَيْهِ عَشَاؤُهُ فَيَسْمَعُ قِرَاءَةَ الإِمَامِ وَهُوَ فِي بَيْتِهِ فَلاَ يَعْجَلُ عَنْ طَعَامِهِ حَتَّى يَقْضِيَ حَاجَتَهُ مِنْهُ .

USC-MSA web (English) reference : Book 54, Hadith 19
Arabic reference : Book 54, Hadith 1784

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Abdullah ibn Abbas from Maimuna, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, was asked about a mouse falling into clarified butter. He said, "Remove it and throw away what is around it "

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ مَيْمُونَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم سُئِلَ عَنِ الْفَأْرَةِ تَقَعُ فِي السَّمْنِ فَقَالَ " انْزِعُوهَا وَمَا حَوْلَهَا فَاطْرَحُوهُ " .

USC-MSA web (English) reference : Book 54, Hadith 20
Arabic reference : Book 54, Hadith 1785

Malik related to me from Abu Hazim ibn Dinar from Sahl ibn Sad as-Saidi that the Messenger of Allah, may Allah bless him and grant him peace, said, "If it exists, it is in a horse, a woman, and a house," meaning ill luck.

وَحَدَّثَنِي مَالِكٌ، عَنْ أَبِي حَازِمِ بْنِ دِينَارٍ، عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنْ كَانَ فَفِي الْفَرَسِ وَالْمَرْأَةِ وَالْمَسْكَنِ " . يَعْنِي الشُّؤْمَ .

USC-MSA web (English) reference : Book 54, Hadith 21
Arabic reference : Book 54, Hadith 1786

Malik related to me from Malik from Ibn Shihab from Hamza and Salim the sons of Abdullah ibn Umar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Ill luck is in a house, a woman and a horse."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ حَمْزَةَ، وَسَالِمٍ، ابْنَىْ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الشُّؤْمُ فِي الدَّارِ وَالْمَرْأَةِ وَالْفَرَسِ " .

USC-MSA web (English) reference : Book 54, Hadith 22
Arabic reference : Book 54, Hadith 1787

Malik related to me that Yahya ibn Said said, "A woman came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah, we moved into a house when our number was great and our wealth was abundant. Now our number has dwindled and the wealth has gone.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Leave it as blameworthy.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّهُ قَالَ جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَتْ يَا رَسُولَ اللَّهِ دَارٌ سَكَنَّاهَا وَالْعَدَدُ كَثِيرٌ وَالْمَالُ وَافِرٌ فَقَلَّ الْعَدَدُ وَذَهَبَ الْمَالُ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " دَعُوهَا ذَمِيمَةً " .

USC-MSA web (English) reference : Book 54, Hadith 23
Arabic reference : Book 54, Hadith 1788

Malik related to me from Yahya ibn Said that the Messenger of Allah, may Allah bless him and grant him peace, asked about a milk camel about to be milked, "Who milks this camel?" A man stood up. The Messenger of Allah, may Allah bless him and grant him peace, said, "What is your name?" The man said, "Murra (bitterness)." The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Sit down." Then he said, "Who milks this one?" A man stood up and the Messenger of Allah, may Allah bless him and grant him peace, said, "What is your name?" He said, "Harb (war)." The Messenger of Allah, may Allah bless him and grant him peace, said, "Sit down." Then he said, "Who milks this camel?" A man stood up, and the Messenger of Allah, may Allah bless him and grant him

peace, said to him, "What is your name?" The man said, "Yaish (he lives)." The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Milk!"

حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ رَسُولَ اللَّهِ قَالَ لِلَقْحَةٍ تُحْلَبُ " مَنْ يَحْلُبُ هَذِهِ " . فَقَامَ رَجُلٌ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا اسْمُكَ " . فَقَالَ لَهُ الرَّجُلُ مُرَّةُ . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " اجْلِسْ " . ثُمَّ قَالَ " مَنْ يَحْلُبُ هَذِهِ " . فَقَامَ رَجُلٌ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا اسْمُكَ " . فَقَالَ حَرْبٌ . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " اجْلِسْ " . ثُمَّ قَالَ " مَنْ يَحْلُبُ هَذِهِ " . فَقَامَ رَجُلٌ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَا اسْمُكَ " . فَقَالَ يَعِيشُ . فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " احْلُبْ " .

USC-MSA web (English) reference : Book 54, Hadith 24
Arabic reference : Book 54, Hadith 1789

Yahya related to me from Yahya ibn Said that Umar ibn al-Khattab asked a man what his name was. He said, "Jamra (live coal)." "The son of who?" He said, "Ibn Shihab (meteor, flame)." "From whom?" He said, "From al-Huraqa (burning)." "Where do you live?" He said, "At Harrat an-Nar (lava field of the fire). "At which one of them?" He said, "At Dhati Ladha (one with flames)." Umar said, "Go and look at your family - they have been burned."

Yahya added, "It was as Umar ibn al-Khattab, may Allah be pleased with him, said."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ لِرَجُلٍ مَا اسْمُكَ فَقَالَ جَمْرَةُ . فَقَالَ ابْنُ مَنْ فَقَالَ ابْنُ شِهَابٍ . قَالَ مِمَّنْ قَالَ مِنَ الْحُرَقَةِ . قَالَ أَيْنَ مَسْكَنُكَ قَالَ بِحَرَّةِ النَّارِ . قَالَ بِأَيِّهَا قَالَ بِذَاتِ لَظًى . قَالَ عُمَرُ أَدْرِكْ أَهْلَكَ فَقَدِ احْتَرَقُوا . قَالَ فَكَانَ كَمَا قَالَ عُمَرُ بْنُ الْخَطَّابِ رضى الله عنه .

USC-MSA web (English) reference : Book 54, Hadith 25
Arabic reference : Book 54, Hadith 1790

Malik related to me from Humayd at-Tawil that Anas ibn Malik said, "The Messenger of Allah, may Allah bless him and grant him peace, was cupped. Abu Tayba cupped him, and the Messenger of Allah, may Allah bless him and grant him peace, ordered him to be given a sa of dates and ordered his family to lessen what he paid them for his kitaba or kharaj."

حَدَّثَنِي مَالِكٌ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّهُ قَالَ احْتَجَمَ رَسُولُ اللَّهِ صلى الله عليه وسلم حَجَمَهُ أَبُو طَيْبَةَ فَأَمَرَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم بِصَاعٍ مِنْ تَمْرٍ وَأَمَرَ أَهْلَهُ أَنْ يُخَفِّفُوا عَنْهُ مِنْ خَرَاجِهِ .

USC-MSA web (English) reference : Book 54, Hadith 26
Arabic reference : Book 54, Hadith 1791

Malik related to me that he heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "If there is a remedy that will reach the disease, then cupping will reach it."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنْ كَانَ دَوَاءٌ يَبْلُغُ الدَّاءَ فَإِنَّ الْحِجَامَةَ تَبْلُغُهُ " .

USC-MSA web (English) reference : Book 54, Hadith 27
Arabic reference : Book 54, Hadith 1792

Malik related to me from Ibn Shihab from Ibn Muhayyisa al-Ansari, one of the Banu Haritha, that he asked permission from the Messenger of Allah, may Allah bless him and grant him peace, to give payment for cupping, and he forbade him to do it. He continued to ask and seek his permission until he said, "Feed the ones who drive your water-carrying camels," meaning "your slaves."

وَحَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ مُحَيِّصَةَ الأَنْصَارِيِّ، أَحَدِ بَنِي حَارِثَةَ أَنَّهُ اسْتَأْذَنَ رَسُولَ اللَّهِ صلى الله عليه وسلم فِي إِجَارَةِ الْحَجَّامِ فَنَهَاهُ عَنْهَا فَلَمْ يَزَلْ يَسْأَلُهُ وَيَسْتَأْذِنُهُ حَتَّى قَالَ " اعْلِفْهُ نُضَّاحَكَ " . يَعْنِي رَقِيقَكَ .

USC-MSA web (English) reference : Book 54, Hadith 28
Arabic reference : Book 54, Hadith 1793

Malik related to me from Abdullah ibn Dinar that Abdullah ibn Umar said, "I saw the Messenger of Allah, may Allah bless him and grant him peace, pointing at the east and saying, 'The cause of dissension is here. The cause of dissension is here, from where the helpers of shaytan arise.' "

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يُشِيرُ إِلَى الْمَشْرِقِ وَيَقُولُ " هَا إِنَّ الْفِتْنَةَ هَا هُنَا إِنَّ الْفِتْنَةَ هَا هُنَا مِنْ حَيْثُ يَطْلُعُ قَرْنُ الشَّيْطَانِ " .

USC-MSA web (English) reference : Book 54, Hadith 29
Arabic reference : Book 54, Hadith 1794

Malik related to me that he heard that Umar ibn al-Khattab wanted to go to Iraq, and Kabal-Ahbar said to him, "Do not go there, amir al- muminin. There is nine-tenths of sorcery there and it is the place of the rebellious jinn and the disease which the doctors are unable to cure."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، أَرَادَ الْخُرُوجَ إِلَى الْعِرَاقِ فَقَالَ لَهُ كَعْبُ الأَحْبَارِ لاَ تَخْرُجْ إِلَيْهَا يَا أَمِيرَ الْمُؤْمِنِينَ فَإِنَّ بِهَا تِسْعَةَ أَعْشَارِ السِّحْرِ وَبِهَا فَسَقَةُ الْجِنِّ وَبِهَا الدَّاءُ الْعُضَالُ .

USC-MSA web (English) reference : Book 54, Hadith 30
Arabic reference : Book 54, Hadith 1795

Malik related to me from Nafi from Abu Lubaba that the Messenger of Allah, may Allah bless him and grant him peace, forbade killing snakes which were in the houses.

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ أَبِي لُبَابَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ قَتْلِ الْحَيَّاتِ الَّتِي فِي الْبُيُوتِ .

USC-MSA web (English) reference : Book 54, Hadith 31
Arabic reference : Book 54, Hadith 1796

Malik related to me from Nafi from Sa'iba, the female mawla of A'isha, that the Messenger of Allah, may Allah bless him and grant him peace, forbade killing the snakes which were in the houses except those with two white stripes on their back and the short ones. They made one go blind and caused miscarriages in women.

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ سَائِبَةَ، مَوْلاَةٍ لِعَائِشَةَ . أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم نَهَى عَنْ قَتْلِ الْجِنَّانِ الَّتِي فِي الْبُيُوتِ إِلاَّ ذَا الطُّفْيَتَيْنِ وَالأَبْتَرَ فَإِنَّهُمَا يَخْطِفَانِ الْبَصَرَ وَيَطْرَحَانِ مَا فِي بُطُونِ النِّسَاءِ .

USC-MSA web (English) reference : Book 54, Hadith 32

Arabic reference : Book 54, Hadith 1797

Malik related to me from Safiyy, the mawla of Ibn Aflah that Abu's-Saib, the mawla of Hisham ibn Zuhra said, "I went to Abu Said al-Khudri and found him praying. I sat to wait for him until he finished the prayer. I heard a movement under a bed in his room, and it was a snake. I stood up to kill it, and Abu Said gestured to me to sit. When he was finished he pointed to a room in the house and said, 'Do you see this room?' I said, 'Yes.' He said, 'There was a young boy in it who had just got married. He went out with the Messenger of Allah, may Allah bless him and grant him peace, to al-Khandaq, (the ditch which the muslims dug in the 5th year of the Hijra to defend Madina against the Quraysh and their allies).

When he was there, the youth came and asked his permission, saying, "Messenger of Allah. Give me permission to return to my family." The Messenger of Allah, may Allah bless him and grant him peace, gave him permission and said, "Take your weapons with you, for I fear the Banu Quraydha tribe. They may harm you." The youth went to his family and found his wife standing between the two doors. He lifted his spear to stab her as jealousy had been aroused in him. She said, "Don't be hasty until you go in and see what is in your house." He entered and found a snake coiled up on his bed. He transfixed it with his spear and then went out with it and pitched it into the house. The snake stirred on the end of the spear and the youth fell dead. No one knew which of them died first, the snake or the youth. That was mentioned to the Messenger of Allah, may Allah bless him and grant him peace, and he said, "There are jinn in Madina who have become muslim. When you see one of them, call out to it for three days. If it appears after that, then kill it, for it is a shaytan." "'

وَحَدَّثَنِي مَالِكٌ، عَنْ صَيْفِيٍّ، مَوْلَى ابْنِ أَفْلَحَ عَنْ أَبِي السَّائِبِ، مَوْلَى هِشَامِ بْنِ زُهْرَةَ أَنَّهُ قَالَ دَخَلْتُ عَلَى أَبِي سَعِيدٍ الْخُدْرِيِّ فَوَجَدْتُهُ يُصَلِّي فَجَلَسْتُ أَنْتَظِرُهُ حَتَّى قَضَى صَلاَتَهُ فَسَمِعْتُ تَحْرِيكًا تَحْتَ سَرِيرٍ فِي بَيْتِهِ فَإِذَا حَيَّةٌ فَقُمْتُ لأَقْتُلَهَا فَأَشَارَ أَبُو سَعِيدٍ أَنِ اجْلِسْ فَلَمَّا انْصَرَفَ أَشَارَ إِلَى بَيْتٍ فِي الدَّارِ فَقَالَ أَتَرَى هَذَا الْبَيْتَ فَقُلْتُ نَعَمْ . قَالَ إِنَّهُ قَدْ كَانَ فِيهِ فَتًى حَدِيثُ عَهْدٍ بِعُرْسٍ فَخَرَجَ مَعَ رَسُولِ اللَّهِ صلى الله عليه وسلم إِلَى الْخَنْدَقِ فَبَيْنَا هُوَ بِهِ إِذْ أَتَاهُ الْفَتَى يَسْتَأْذِنُهُ فَقَالَ يَا رَسُولَ اللَّهِ ائْذَنْ لِي أُحْدِثُ بِأَهْلِي عَهْدًا فَأَذِنَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم وَقَالَ " خُذْ عَلَيْكَ سِلاَحَكَ فَإِنِّي أَخْشَى عَلَيْكَ بَنِي قُرَيْظَةَ " فَانْطَلَقَ الْفَتَى إِلَى أَهْلِهِ فَوَجَدَ امْرَأَتَهُ قَائِمَةً بَيْنَ الْبَابَيْنِ فَأَهْوَى إِلَيْهَا بِالرُّمْحِ لِيَطْعُنَهَا وَأَدْرَكَتْهُ غَيْرَةٌ فَقَالَتْ لاَ تَعْجَلْ حَتَّى تَدْخُلَ وَتَنْظُرَ مَا فِي بَيْتِكَ . فَدَخَلَ فَإِذَا هُوَ بِحَيَّةٍ مُنْطَوِيَةٍ عَلَى فِرَاشِهِ فَرَكَزَ فِيهَا رُمْحَهُ ثُمَّ خَرَجَ بِهَا فَنَصَبَهُ فِي الدَّارِ فَاضْطَرَبَتِ الْحَيَّةُ فِي رَأْسِ الرُّمْحِ وَخَرَّ الْفَتَى مَيِّتًا فَمَا يُدْرَى أَيُّهُمَا كَانَ أَسْرَعَ مَوْتًا الْفَتَى أَمِ الْحَيَّةُ فَذُكِرَ ذَلِكَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ " إِنَّ بِالْمَدِينَةِ جِنًّا قَدْ أَسْلَمُوا فَإِذَا رَأَيْتُمْ مِنْهُمْ شَيْئًا فَآذِنُوهُ ثَلاَثَةَ أَيَّامٍ فَإِنْ بَدَا لَكُمْ بَعْدَ ذَلِكَ فَاقْتُلُوهُ فَإِنَّمَا هُوَ شَيْطَانٌ " .

USC-MSA web (English) reference : Book 54, Hadith 33
Arabic reference : Book 54, Hadith 1798

Malik related to me that he heard that when the Messenger of Allah, may Allah bless him and grant him peace, set foot in the stirrup intending to travel, he would say, "In the name of Allah. O Allah! You are my companion in the journey and the Khalifa of my family. O Allah! Spread out the earth for us and make the journey easy for us. O Allah! I seek refuge with You from the hardship of the journey and from returning to sorrow and a distressing sight regarding property and family."

حَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم كَانَ إِذَا وَضَعَ رِجْلَهُ فِي الْغَرْزِ وَهُوَ يُرِيدُ السَّفَرَ يَقُولُ " بِاسْمِ اللَّهِ . اللَّهُمَّ أَنْتَ الصَّاحِبُ فِي السَّفَرِ وَالْخَلِيفَةُ فِي الأَهْلِ اللَّهُمَّ ازْوِ لَنَا الأَرْضَ وَهَوِّنْ عَلَيْنَا السَّفَرَ اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ وَعْثَاءِ السَّفَرِ وَمِنْ كَآبَةِ الْمُنْقَلَبِ وَمِنْ سُوءِ الْمَنْظَرِ فِي الْمَالِ وَالأَهْلِ " .

USC-MSA web (English) reference : Book 54, Hadith 34
Arabic reference : Book 54, Hadith 1799

Malik related to me from a reliable source of his from Yaqub ibn Abdullah al-Ashajj from Bushr ibn Said from Sad ibn Abi Waqqas from Khawla bint Hakim that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever dismounts to rest in a place should say, 'I seek refuge with the complete words of Allah from the evil of what he created,' (audhu bi kalimati-llahi at-tammati min sharri ma khalaqa), and nothing will harm him until he remounts."

وَحَدَّثَنِي مَالِكٌ، عَنِ الثِّقَةِ، عِنْدَهُ عَنْ يَعْقُوبَ بْنِ عَبْدِ اللَّهِ بْنِ الأَشَجِّ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ، عَنْ خَوْلَةَ بِنْتِ حَكِيمٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ نَزَلَ مَنْزِلاً فَلْيَقُلْ أَعُوذُ بِكَلِمَاتِ اللَّهِ التَّامَّاتِ مِنْ شَرِّ مَا خَلَقَ . فَإِنَّهُ لَنْ يَضُرَّهُ شَىْءٌ حَتَّى يَرْتَحِلَ " .

USC-MSA web (English) reference : Book 54, Hadith 34
Arabic reference : Book 54, Hadith 1800

Malik related to me from Abd ar-Rahman ibn Harmala from Amr ibn Shuayb from his father from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "One rider is a shaytan. Two riders are two shaytans, and three are a riding-party."

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الرَّاكِبُ شَيْطَانٌ وَالرَّاكِبَانِ شَيْطَانَانِ وَالثَّلاَثَةُ رَكْبٌ " .

USC-MSA web (English) reference : Book 54, Hadith 35
Arabic reference : Book 54, Hadith 1801

Malik related to me from Abd ar-Rahman ibn Harmala that Said ibn al-Musayyab heard the Messenger of Allah, may Allah bless him and grant him peace, say, "Shaytan concerns himself with one and two. When there are three, he does not concern himself with them."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يَقُولُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " الشَّيْطَانُ يَهُمُّ بِالْوَاحِدِ وَالاِثْنَيْنِ فَإِذَا كَانُوا ثَلاَثَةً لَمْ يَهُمَّ بِهِمْ " .

USC-MSA web (English) reference : Book 54, Hadith 36
Arabic reference : Book 54, Hadith 1802

Malik related to me from Said ibn Abi Said al-Maqburi from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "It is not halal for a woman who believes in Allah and the Last Day to travel the distance of a day and night without a man who is her mahram."

وَحَدَّثَنِي مَالِكٌ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَحِلُّ لاِمْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الآخِرِ تُسَافِرُ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ إِلاَّ مَعَ ذِي مَحْرَمٍ مِنْهَا " .

USC-MSA web (English) reference : Book 54, Hadith 37
Arabic reference : Book 54, Hadith 1803

Malik related to me from Abu Ubayd, the mawla of Sulayman ibn Abd al-Malik from Khalid ibn Madan who attributed it to the Prophet, may Allah bless him and grant him peace, "Allah, the Blessed and Exalted is kind and loves kindness. He is pleased with it and helps you with it as long as it is not misplaced. When you ride dumb beasts, stop them in their stopping places, and quicken their pace when the land is barren. Travel by night, because the land is travelled faster at night than it is during the day. Beware of pitching tents on the road, for it is the path of animals and the abode of snakes."

حَدَّثَنِي مَالِكٌ، عَنْ أَبِي عُبَيْدٍ، مَوْلَى سُلَيْمَانَ بْنِ عَبْدِ الْمَلِكِ عَنْ خَالِدِ بْنِ مَعْدَانَ، يَرْفَعُهُ " إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى رَفِيقٌ يُحِبُّ الرِّفْقَ وَيَرْضَى بِهِ وَيُعِينُ عَلَيْهِ مَا لاَ يُعِينُ عَلَى الْعُنْفِ فَإِذَا رَكِبْتُمْ هَذِهِ الدَّوَابَّ الْعُجْمَ فَأَنْزِلُوهَا مَنَازِلَهَا فَإِنْ كَانَتِ الأَرْضُ جَدْبَةً فَانْجُوا عَلَيْهَا بِنِقْيِهَا وَعَلَيْكُمْ بِسَيْرِ اللَّيْلِ فَإِنَّ الأَرْضَ تُطْوَى بِاللَّيْلِ مَا لاَ تُطْوَى بِالنَّهَارِ وَإِيَّاكُمْ وَالتَّعْرِيسَ عَلَى الطَّرِيقِ فَإِنَّهَا طُرُقُ الدَّوَابِّ وَمَأْوَى الْحَيَّاتِ " .

USC-MSA web (English) reference : Book 54, Hadith 38
Arabic reference : Book 54, Hadith 1804

Malik related to me from Sumayy, the mawla of Abu Bakr from Abu Salih from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Travelling is a portion of the torment. It denies you your sleep, food, and drink. When you have accomplished your purpose, you should hurry back to your family."

وَحَدَّثَنِي مَالِكٌ، عَنْ سُمَىٍّ، مَوْلَى أَبِي بَكْرٍ عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " السَّفَرُ قِطْعَةٌ مِنَ الْعَذَابِ يَمْنَعُ أَحَدَكُمْ نَوْمَهُ وَطَعَامَهُ وَشَرَابَهُ فَإِذَا قَضَى أَحَدُكُمْ نَهْمَتَهُ مِنْ وَجْهِهِ فَلْيُعَجِّلْ إِلَى أَهْلِهِ " .

USC-MSA web (English) reference : Book 54, Hadith 39
Arabic reference : Book 54, Hadith 1805

Malik related to me that he heard that Abu Hurayra said that the Messenger of Allah, may Allah bless him and grant him peace, said, "A slave has his food and clothing in the normal manner, and he is only obliged to do such work as he is capable of doing."

حَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ أَبَا هُرَيْرَةَ، قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لِلْمَمْلُوكِ طَعَامُهُ وَكِسْوَتُهُ بِالْمَعْرُوفِ وَلاَ يُكَلَّفُ مِنَ الْعَمَلِ إِلاَّ مَا يُطِيقُ " .

USC-MSA web (English) reference : Book 54, Hadith 40
Arabic reference : Book 54, Hadith 1806

Malik related to me that he heard that Umar ibn al-Khattab went to the villages every Saturday. If he found a slave doing work which he was not capable of doing, he lightened it for him.

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ، كَانَ يَذْهَبُ إِلَى الْعَوَالِي كُلَّ يَوْمِ سَبْتٍ فَإِذَا وَجَدَ عَبْدًا فِي عَمَلٍ لاَ يُطِيقُهُ وَضَعَ عَنْهُ مِنْهُ ‏.‏

USC-MSA web (English) reference : Book 54, Hadith 41
Arabic reference : Book 54, Hadith 1807

Malik related to me from his paternal uncle, Abu Suhayl ibn Malik, that his father heard Uthman ibn Affan say in a khutba, "Do not oblige the slave-girl to earn money unless she has a skill. When you oblige her to do that, she will earn money by prostitution. Do not oblige the child to earn money. If he does not find it, he will steal. Have integrity since Allah has integrity with you, and you must feed them good food."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، أَنَّهُ سَمِعَ عُثْمَانَ بْنَ عَفَّانَ، وَهُوَ يَخْطُبُ وَهُوَ يَقُولُ لاَ تُكَلِّفُوا الأَمَةَ غَيْرَ ذَاتِ الصَّنْعَةِ الْكَسْبَ فَإِنَّكُمْ مَتَى كَلَّفْتُمُوهَا ذَلِكَ كَسَبَتْ بِفَرْجِهَا وَلاَ تُكَلِّفُوا الصَّغِيرَ الْكَسْبَ فَإِنَّهُ إِذَا لَمْ يَجِدْ سَرَقَ وَعِفُّوا إِذْ أَعَفَّكُمُ اللَّهُ وَعَلَيْكُمْ مِنَ الْمَطَاعِمِ بِمَا طَابَ مِنْهَا ‏.‏

USC-MSA web (English) reference : Book 54, Hadith 42
Arabic reference : Book 54, Hadith 1808

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "When a slave gives good counsel to his master and worships Allah correctly, he has his reward twice over. "

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ الْعَبْدُ إِذَا نَصَحَ لِسَيِّدِهِ وَأَحْسَنَ عِبَادَةَ اللَّهِ فَلَهُ أَجْرُهُ مَرَّتَيْنِ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 54, Hadith 43
Arabic reference : Book 54, Hadith 1809

Malik related to me that he heard that Umar ibn al-Khattab saw a female slave belonging to Abdullah ibn Umar ibn al-Khattab. She was dressed up in silks. He went to his daughter Hafsa and said, "Didn't I see your brother's slave-girl dressed up in silks walking among the people and causing trouble?" Umar disapproved of that.

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ أَمَةً، كَانَتْ لِعَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ رَآهَا عُمَرُ بْنُ الْخَطَّابِ وَقَدْ تَهَيَّأَتْ بِهَيْئَةِ الْحَرَائِرِ فَدَخَلَ عَلَى ابْنَتِهِ حَفْصَةَ فَقَالَ أَلَمْ أَرَ جَارِيَةَ أَخِيكِ تَجُوسُ النَّاسَ وَقَدْ تَهَيَّأَتْ بِهَيْئَةِ الْحَرَائِرِ وَأَنْكَرَ ذَلِكَ عُمَرُ ‏.‏

USC-MSA web (English) reference : Book 54, Hadith 44
Arabic reference : Book 54, Hadith 1810

55 - The Oath of Allegiance كتاب البيعة

Malik related to me from Abdullah ibn Dinar that Abdullah ibn Umar said, "When we took an oath of allegiance with him to hear and obey, the Messenger of Allah, may Allah bless him and grant him peace, said to us, 'In what you are able.' "

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، قَالَ كُنَّا إِذَا بَايَعْنَا رَسُولَ اللَّهِ صلى الله عليه وسلم عَلَى السَّمْعِ وَالطَّاعَةِ يَقُولُ لَنَا رَسُولُ اللَّهِ صلى الله عليه وسلم " فِيمَا اسْتَطَعْتُمْ " .

USC-MSA web (English) reference : Book 55, Hadith 1
Arabic reference : Book 55, Hadith 1811

Malik related to me from Muhammad ibn al-Munkadir that Umayma bint Ruqayqa said, "I went to the Messenger of Allah, may Allah bless him and grant him peace, with the women who took an oath of allegiance with him in Islam. They said, 'Messenger of Allah! We take a pledge with you not to associate anything with Allah, not to steal, not to commit adultery, not to kill our children, nor to produce any lie that we have devised between our hands and feet, and not to disobey you in what is known.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'In what you can do and are able.' "

Umayma continued, "They said, 'Allah and His Messenger are more merciful to us than ourselves. Come, let us give our hands to you, Messenger of Allah!' The Messenger of Allah, may Allah bless him and grant him peace, said, 'I do not shake hands with women. My word to a hundred women is like my word to one woman.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ أُمَيْمَةَ بِنْتِ رُقَيْقَةَ، أَنَّهَا قَالَتْ أَتَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم فِي نِسْوَةٍ بَايَعْنَهُ عَلَى الإِسْلاَمِ فَقُلْنَ يَا رَسُولَ اللَّهِ نُبَايِعُكَ عَلَى أَنْ لاَ نُشْرِكَ بِاللَّهِ شَيْئًا وَلاَ نَسْرِقَ وَلاَ نَزْنِيَ وَلاَ نَقْتُلَ أَوْلاَدَنَا وَلاَ نَأْتِيَ بِبُهْتَانٍ نَفْتَرِيهِ بَيْنَ أَيْدِينَا وَأَرْجُلِنَا وَلاَ نَعْصِيَكَ فِي مَعْرُوفٍ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " فِيمَا اسْتَطَعْتُنَّ وَأَطَقْتُنَّ " . قَالَتْ فَقُلْنَ اللَّهُ وَرَسُولُهُ أَرْحَمُ بِنَا مِنْ أَنْفُسِنَا هَلُمَّ نُبَايِعْكَ يَا رَسُولَ اللَّهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنِّي لاَ أُصَافِحُ النِّسَاءَ إِنَّمَا قَوْلِي لِمِائَةِ امْرَأَةٍ كَقَوْلِي لاِمْرَأَةٍ وَاحِدَةٍ أَوْ مِثْلِ قَوْلِي لاِمْرَأَةٍ وَاحِدَةٍ " .

USC-MSA web (English) reference : Book 55, Hadith 2
Arabic reference : Book 55, Hadith 1812

Malik related to me from Abdullah ibn Dinar that Abdullah ibn Umar wrote to Abd al-Malik ibn Marwan, making an oath of allegiance. He wrote, "In the name of Allah, the Merciful, the Compassionate. To the slave of Allah, Abd al-Malik, the amir al-muminin, Peace be upon you. I praise Allah to you. There is no god but Him. I acknowledge your right to my hearing and my obedience according to the sunna of Allah and the sunna of His Prophet, in what I am able."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ، كَتَبَ إِلَى عَبْدِ الْمَلِكِ بْنِ مَرْوَانَ يُبَايِعُهُ فَكَتَبَ إِلَيْهِ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ . أَمَّا بَعْدُ لِعَبْدِ اللَّهِ عَبْدِ الْمَلِكِ أَمِيرِ الْمُؤْمِنِينَ سَلاَمٌ عَلَيْكَ فَإِنِّي أَحْمَدُ إِلَيْكَ اللَّهَ الَّذِي لاَ إِلَهَ إِلاَّ هُوَ وَأُقِرُّ لَكَ بِالسَّمْعِ وَالطَّاعَةِ عَلَى سُنَّةِ اللَّهِ وَسُنَّةِ رَسُولِهِ فِيمَا اسْتَطَعْتُ .

USC-MSA web (English) reference : Book 55, Hadith 3
Arabic reference : Book 55, Hadith 1813

56 - Speech كتاب الكلام

Malik related to me from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a man says to his muslim brother, 'O kafir!' it is true about one of them."

حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ قَالَ لأَخِيهِ يَا كَافِرُ . فَقَدْ بَاءَ بِهَا أَحَدُهُمَا " .

USC-MSA web (English) reference : Book 56, Hadith 1
Arabic reference : Book 56, Hadith 1814

Malik related to me from Suhayl ibn Abu Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you hear a man say, 'The people are ruined,' he himself is the most ruined of them all."

وَحَدَّثَنِي مَالِكٌ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا سَمِعْتَ الرَّجُلَ يَقُولُ هَلَكَ النَّاسُ . فَهُوَ أَهْلَكُهُمْ " .

USC-MSA web (English) reference : Book 56, Hadith 2
Arabic reference : Book 56, Hadith 1815

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Let none of you complain about time, for Allah is time.'

وَحَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَقُلْ أَحَدُكُمْ يَا خَيْبَةَ الدَّهْرِ . فَإِنَّ اللَّهَ هُوَ الدَّهْرُ " .

USC-MSA web (English) reference : Book 56, Hadith 3
Arabic reference : Book 56, Hadith 1816

Malik related to me from Yahya ibn Said that Isa ibn Maryam encountered a pig on the road. He said to it, "Go in peace." Somebody asked, "Do you say this to a pig?" Isa said, "I fear lest I accustom my tongue to evil speech."

وَحَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عِيسَى ابْنَ مَرْيَمَ، لَقِيَ خِنْزِيرًا بِالطَّرِيقِ فَقَالَ لَهُ انْفُذْ بِسَلاَمٍ . فَقِيلَ لَهُ تَقُولُ هَذَا لِخِنْزِيرٍ فَقَالَ عِيسَى إِنِّي أَخَافُ أَنْ أُعَوِّدَ لِسَانِي النُّطْقَ بِالسُّوءِ .

USC-MSA web (English) reference : Book 56, Hadith 4
Arabic reference : Book 56, Hadith 1817

Malik related to me from Muhammad ibn Amr ibn Alqama from his father from Bilal ibn al-Harith al-Muzani that the Messenger of Allah, may Allah bless him and grant him peace, said, "A man speaks what is pleasing to Allah and he does not suspect that it will have the result that it does, and Allah will write for him His good pleasure for it until the day when he meets Him. And a man speaks what excites the wrath of Allah and he does not suspect that it will have the result that it does, and Allah will write His wrath for him for it until the day when he meets Him."

حَدَّثَنِي مَالِكٌ، عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ عَلْقَمَةَ، عَنْ أَبِيهِ، عَنْ بِلاَلِ بْنِ الْحَارِثِ الْمُزَنِيِّ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّ الرَّجُلَ لَيَتَكَلَّمُ بِالْكَلِمَةِ مِنْ رِضْوَانِ اللَّهِ مَا كَانَ يَظُنُّ أَنْ تَبْلُغَ مَا بَلَغَتْ يَكْتُبُ اللَّهُ لَهُ بِهَا رِضْوَانَهُ إِلَى يَوْمِ يَلْقَاهُ وَإِنَّ الرَّجُلَ لَيَتَكَلَّمُ بِالْكَلِمَةِ مِنْ سَخَطِ اللَّهِ مَا كَانَ يَظُنُّ أَنْ تَبْلُغَ مَا بَلَغَتْ يَكْتُبُ اللَّهُ لَهُ بِهَا سَخَطَهُ إِلَى يَوْمِ يَلْقَاهُ " .

USC-MSA web (English) reference : Book 56, Hadith 5
Arabic reference : Book 56, Hadith 1818

Malik related to me from Abdullah ibn Dinar that Abu Salih as- Samman informed him that Abu Hurayra said, "Truly a man utters words to which he attaches no importance, and by them he falls into the fire of Jahannam, and truly a man utters words to which he attaches no importance, and by them Allah raises him into the Garden."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ أَبِي صَالِحٍ السَّمَّانِ، أَنَّهُ أَخْبَرَهُ أَنَّ أَبَا هُرَيْرَةَ قَالَ إِنَّ الرَّجُلَ لَيَتَكَلَّمُ بِالْكَلِمَةِ مَا يُلْقِي لَهَا بَالاً يَهْوِي بِهَا فِي نَارِ جَهَنَّمَ وَإِنَّ الرَّجُلَ لَيَتَكَلَّمُ بِالْكَلِمَةِ مَا يُلْقِي لَهَا بَالاً يَرْفَعُهُ اللَّهُ بِهَا فِي الْجَنَّةِ .

USC-MSA web (English) reference : Book 56, Hadith 6
Arabic reference : Book 56, Hadith 1819

Malik related to me from Zayd ibn Aslam that Abdullah ibn Umar said, "Two men from the east stood up and spoke, and people were amazed at their eloquence. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Some eloquence is sorcery,' or he said, 'Part of eloquence is sorcery.' "

حَدَّثَنِي مَالِكٌ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّهُ قَالَ قَدِمَ رَجُلاَنِ مِنَ الْمَشْرِقِ فَخَطَبَا فَعَجِبَ النَّاسُ لِبَيَانِهِمَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّ مِنَ الْبَيَانِ لَسِحْرًا " . أَوْ قَالَ " إِنَّ بَعْضَ الْبَيَانِ لَسِحْرٌ " .

USC-MSA web (English) reference : Book 56, Hadith 7
Arabic reference : Book 56, Hadith 1820

Malik related to me that he heard that Isa ibn Maryam used to say, "Do not speak much without the mention of Allah for you will harden your hearts. A hard heart is far from Allah, but you do not know. Do not look at the wrong actions of people as if you were lords. Look at your wrong actions as if you were slaves. Some people are afflicted by wrong action and some people are protected from it. Be merciful to the people of affliction and praise Allah for His protection."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عِيسَى ابْنَ مَرْيَمَ، كَانَ يَقُولُ لاَ تُكْثِرُوا الْكَلاَمَ بِغَيْرِ ذِكْرِ اللَّهِ فَتَقْسُوَ قُلُوبُكُمْ فَإِنَّ الْقَلْبَ الْقَاسِيَ بَعِيدٌ مِنَ اللَّهِ وَلَكِنْ لاَ تَعْلَمُونَ وَلاَ تَنْظُرُوا فِي ذُنُوبِ النَّاسِ كَأَنَّكُمْ أَرْبَابٌ وَانْظُرُوا فِي ذُنُوبِكُمْ كَأَنَّكُمْ عَبِيدٌ فَإِنَّمَا النَّاسُ مُبْتَلًى وَمُعَافًى فَارْحَمُوا أَهْلَ الْبَلاَءِ وَاحْمَدُوا اللَّهَ عَلَى الْعَافِيَةِ .

USC-MSA web (English) reference : Book 56, Hadith 8
Arabic reference : Book 56, Hadith 1821

Malik related to me that he heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, sent a message to one of her family after the evening prayer, saying, "Will you not allow the recording angel to rest?"

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عَائِشَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم كَانَتْ تُرْسِلُ إِلَى بَعْضِ أَهْلِهَا بَعْدَ الْعَتَمَةِ فَتَقُولُ أَلاَ تُرِيحُونَ الْكُتَّابَ

USC-MSA web (English) reference : Book 56, Hadith 9
Arabic reference : Book 56, Hadith 1822

Malik related to me from al-Walid ibn Abdullah ibn Sayyad that al-Muttalib ibn Abdullah ibn Hantab al-Makhzumi informed him that a man asked the Messenger of Allah, may Allah bless him and grant him peace, "What is backbiting?" The Messenger of Allah, may Allah bless him and grant him peace, said, "It is to mention about a man what he does not want to hear." He said, "Messenger of Allah! Even if it is true?" The Messenger of Allah, may Allah bless him and grant him peace, said, "If you utter something false, then it is slander."

حَدَّثَنِي مَالِكٌ، عَنِ الْوَلِيدِ بْنِ عَبْدِ اللَّهِ بْنِ صَيَّادٍ، أَنَّ الْمُطَّلِبَ بْنَ عَبْدِ اللَّهِ بْنِ حَنْطَبَ الْمَخْزُومِيَّ، أَخْبَرَهُ أَنَّ رَجُلاً سَأَلَ رَسُولَ اللَّهِ صلى الله عليه وسلم مَا الْغِيبَةُ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " أَنْ تَذْكُرَ مِنَ الْمَرْءِ مَا يَكْرَهُ أَنْ يَسْمَعَ " . قَالَ يَا رَسُولَ اللَّهِ وَإِنْ كَانَ حَقًّا قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِذَا قُلْتَ بَاطِلاً فَذَلِكَ الْبُهْتَانُ " .

USC-MSA web (English) reference : Book 56, Hadith 10
Arabic reference : Book 56, Hadith 1823

Malik related to me from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whomever Allah protects from the evil of two things will enter the Garden." A man said, "Messenger of Allah, do not tell us!" The Messenger of Allah, may Allah bless him and grant him peace, was silent. Then the Messenger of Allah, may Allah bless him and grant him peace, repeated what he had said the first time. The man said to him, "Do not tell us, Messenger of Allah!" The Messenger of Allah, may Allah bless him and grant him peace, was silent. Then the Messenger of Allah, may Allah bless him and grant him peace, said the same thing again. The man said, "Do not tell us, Messenger of Allah!" Then the Messenger of Allah, may Allah bless him and grant him peace, said the same thing again. Then the man began to say what he had said previously and a man at his side silenced him. The Messenger of Allah, may Allah bless him and grant him peace, said, "Whomever Allah protects from the evil of two things will enter the Garden. They are what is between his jaws and what is between his legs, what is between his jaws and what is between his legs, what is between his jaws and what is between his legs."

حَدَّثَنِي مَالِكٌ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ وَقَاهُ اللَّهُ شَرَّ اثْنَيْنِ وَلَجَ الْجَنَّةَ " . فَقَالَ رَجُلٌ يَا رَسُولَ اللَّهِ لاَ تُخْبِرْنَا . فَسَكَتَ رَسُولُ اللَّهِ صلى الله عليه وسلم ثُمَّ عَادَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقَالَ مِثْلَ مَقَالَتِهِ الأُولَى فَقَالَ لَهُ الرَّجُلُ لاَ تُخْبِرْنَا يَا رَسُولَ اللَّهِ . فَسَكَتَ رَسُولُ اللَّهِ صلى الله عليه وسلم ثُمَّ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم مِثْلَ ذَلِكَ أَيْضًا فَقَالَ الرَّجُلُ لاَ تُخْبِرْنَا يَا رَسُولَ اللَّهِ . ثُمَّ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم مِثْلَ ذَلِكَ أَيْضًا . ثُمَّ ذَهَبَ الرَّجُلُ يَقُولُ مِثْلَ مَقَالَتِهِ الأُولَى فَأَسْكَتَهُ رَجُلٌ إِلَى جَنْبِهِ . فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " مَنْ وَقَاهُ اللَّهُ شَرَّ اثْنَيْنِ وَلَجَ الْجَنَّةَ مَا بَيْنَ لَحْيَيْهِ وَمَا بَيْنَ رِجْلَيْهِ مَا بَيْنَ لَحْيَيْهِ وَمَا بَيْنَ رِجْلَيْهِ مَا بَيْنَ لَحْيَيْهِ وَمَا بَيْنَ رِجْلَيْهِ " .

USC-MSA web (English) reference : Book 56, Hadith 11
Arabic reference : Book 56, Hadith 1824

Malik related to me from Zayd ibn Aslam from his father that Umar ibn al-Khattab came upon Abu Bakr as-Siddiq pulling his tongue. Umar said to him, "Stop, may Allah forgive you!" Abu Bakr replied, "This has brought me to dangerous places."

وَحَدَّثَنِي مَالِكٌ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، دَخَلَ عَلَى أَبِي بَكْرٍ الصِّدِّيقِ وَهُوَ يَجْبِذُ لِسَانَهُ فَقَالَ لَهُ عُمَرُ مَهْ غَفَرَ اللَّهُ لَكَ . فَقَالَ أَبُو بَكْرٍ إِنَّ هَذَا أَوْرَدَنِي الْمَوَارِدَ .

USC-MSA web (English) reference : Book 56, Hadith 12
Arabic reference : Book 56, Hadith 1825

Malik related to me from Abdullah ibn Dinar saying, "Abdullah ibn Umar and I were at the house of Khalid ibn Uqba who was away at the market. A man came who wanted to speak to Abdullah ibn Umar and I was the only other person present Abdullah ibn Umar called another man so that we were four and said to me and the man whom he had called, 'Go a little way off together, because I heard the Messenger of Allah, may Allah bless him and grant him peace, say, "Two do not converse secretly to the exclusion of another.' '"

وَحَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، قَالَ كُنْتُ أَنَا وَعَبْدُ اللَّهِ بْنُ عُمَرَ، عِنْدَ دَارِ خَالِدِ بْنِ عُقْبَةَ الَّتِي بِالسُّوقِ فَجَاءَ رَجُلٌ يُرِيدُ أَنْ يُنَاجِيَهُ وَلَيْسَ مَعَ عَبْدِ اللَّهِ بْنِ عُمَرَ أَحَدٌ غَيْرِي وَغَيْرُ الرَّجُلِ الَّذِي يُرِيدُ أَنْ يُنَاجِيَهُ فَدَعَا عَبْدُ اللَّهِ بْنُ عُمَرَ رَجُلاً آخَرَ حَتَّى كُنَّا أَرْبَعَةً فَقَالَ لِي وَلِلرَّجُلِ الَّذِي دَعَاهُ اسْتَأْخِرَا شَيْئًا فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ " لاَ يَتَنَاجَى اثْنَانِ دُونَ وَاحِدٍ " .

USC-MSA web (English) reference : Book 56, Hadith 13
Arabic reference : Book 56, Hadith 1826

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Two must not converse secretly to the exclusion of another person."

وَحَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِذَا كَانَ ثَلاَثَةٌ فَلاَ يَتَنَاجَى اثْنَانِ åæP وَاحِدٍ " .

USC-MSA web (English) reference : Book 56, Hadith 14
Arabic reference : Book 56, Hadith 1827

Malik related to me from Safwan ibn Sulaym that a man asked the Messenger of Allah, may Allah bless him and grant him peace, "Can I lie to my wife, Messenger of Allah?" The Messenger of Allah, may Allah bless him and grant him peace, said, "There is no good in lying." The man said, "Messenger of Allah! Shall I make her a promise and tell her?" The Messenger of Allah, may Allah bless him and grant him peace, said, "It will not be held against you."

حَدَّثَنِي مَالِكٌ، عَنْ صَفْوَانَ بْنِ سُلَيْمٍ، أَنَّ رَجُلاً، قَالَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم أَكْذِبُ امْرَأَتِي يَا رَسُولَ اللَّهِ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ خَيْرَ فِي الْكَذِبِ " . فَقَالَ الرَّجُلُ يَا رَسُولَ اللَّهِ أَعِدُهَا وَأَقُولُ لَهَا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " لاَ جُنَاحَ عَلَيْكَ " .

USC-MSA web (English) reference : Book 56, Hadith 15
Arabic reference : Book 56, Hadith 1828

Malik related to me that he heard that Abdullah ibn Masud used to say, "You must tell the truth. Truthfulness leads to right action. Right action leads to the Garden. Beware of lying. Lying leads to corruption, and corruption leads to the Fire. Don't you see that it is said, 'He speaks the truth and acts rightly,' and, 'He lies and is corrupt.' "

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، كَانَ يَقُولُ عَلَيْكُمْ بِالصِّدْقِ فَإِنَّ الصِّدْقَ يَهْدِي إِلَى الْبِرِّ وَالْبِرَّ يَهْدِي إِلَى الْجَنَّةِ وَإِيَّاكُمْ وَالْكَذِبَ فَإِنَّ الْكَذِبَ يَهْدِي إِلَى الْفُجُورِ وَالْفُجُورَ يَهْدِي إِلَى النَّارِ أَلاَ تَرَى أَنَّهُ يُقَالُ صَدَقَ وَبَرَّ وَكَذَبَ وَفَجَرَ .

USC-MSA web (English) reference : Book 56, Hadith 16
Arabic reference : Book 56, Hadith 1829

Malik related to me that he heard that someone said to Luqman, "What has brought you to what we see?" meaning his high rank. Luqman said, "Truthful speech, fulfilling the trust, and leaving what does not concern me."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّهُ قِيلَ لِلُقْمَانَ مَا بَلَغَ بِكَ مَا نَرَى يُرِيدُونَ الْفَضْلَ . فَقَالَ لُقْمَانُ صِدْقُ الْحَدِيثِ وَأَدَاءُ الأَمَانَةِ وَتَرْكُ مَا لاَ يَعْنِينِي .

USC-MSA web (English) reference : Book 56, Hadith 17
Arabic reference : Book 56, Hadith 1830

Malik related to me that he heard that Abdullah ibn Masud used to say, "The slave continues to lie and a black spot grows in his heart until all his heart becomes black. Then he is written, in Allah's sight, among the liars."

وَحَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ، كَانَ يَقُولُ لاَ يَزَالُ الْعَبْدُ يَكْذِبُ وَتُنْكَتُ فِي قَلْبِهِ نُكْتَةٌ سَوْدَاءُ حَتَّى يَسْوَدَّ قَلْبُهُ كُلُّهُ فَيُكْتَبَ عِنْدَ اللَّهِ مِنَ الْكَاذِبِينَ .

USC-MSA web (English) reference : Book 56, Hadith 18
Arabic reference : Book 56, Hadith 1831

Malik related to me that Safwan ibn Sulaym said, "The Messenger of Allah, may Allah bless him and grant him peace, was asked, 'Can the mumin be a coward?' He said, 'Yes.' He was asked, 'Can the mumin be a miser?' He said, 'Yes.' He was asked, 'Can the mumin be a liar?' He said, 'No.' "

وَحَدَّثَنِي مَالِكٌ، عَنْ صَفْوَانَ بْنِ سُلَيْمٍ، أَنَّهُ قَالَ قِيلَ لِرَسُولِ اللَّهِ صلى الله عليه وسلم أَيَكُونُ الْمُؤْمِنُ جَبَانًا فَقَالَ " نَعَمْ " . فَقِيلَ لَهُ أَيَكُونُ الْمُؤْمِنُ بَخِيلاً فَقَالَ " نَعَمْ " . فَقِيلَ لَهُ أَيَكُونُ الْمُؤْمِنُ كَذَّابًا فَقَالَ " لاَ " .

USC-MSA web (English) reference : Book 56, Hadith 19
Arabic reference : Book 56, Hadith 1832

Malik related to me from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Allah is pleased with three things from you, and He is angry with three things from you. He is pleased that you worship Him and do not associate anything with Him, and that you take hold of the rope of Allah altogether, and that you give good counsel to the one to whom Allah gives command over you. He is angry with you for gossip, squandering property, and asking too many questions."

حَدَّثَنِي مَالِكٌ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " إِنَّ اللَّهَ يَرْضَى لَكُمْ ثَلاَثًا وَيَسْخَطُ لَكُمْ ثَلاَثًا يَرْضَى لَكُمْ أَنْ تَعْبُدُوهُ وَلاَ تُشْرِكُوا بِهِ شَيْئًا وَأَنْ تَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَأَنْ تَنَاصَحُوا مَنْ وَلاَّهُ اللَّهُ أَمْرَكُمْ وَيَسْخَطُ لَكُمْ قِيلَ وَقَالَ وَإِضَاعَةَ الْمَالِ وَكَثْرَةَ السُّؤَالِ " .

USC-MSA web (English) reference : Book 56, Hadith 20
Arabic reference : Book 56, Hadith 1833

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "One of the most evil of people is the two-faced person who shows one face to these people and another face to those people."

وَحَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مِنْ شَرِّ النَّاسِ ذُو الْوَجْهَيْنِ الَّذِي يَأْتِي هَؤُلاَءِ بِوَجْهٍ وَهَؤُلاَءِ بِوَجْهٍ " .

USC-MSA web (English) reference : Book 56, Hadith 21
Arabic reference : Book 56, Hadith 1834

Malik related to me that he had heard that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, said, "Messenger of Allah! Shall we be destroyed while there are people who are salih among us?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes, if there is much wickedness."

حَدَّثَنِي مَالِكٌ، أَنَّهُ بَلَغَهُ أَنَّ أُمَّ سَلَمَةَ، زَوْجَ النَّبِيِّ صلى الله عليه وسلم قَالَتْ يَا رَسُولَ اللَّهِ أَنَهْلِكُ وَفِينَا الصَّالِحُونَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " نَعَمْ إِذَا كَثُرَ الْخَبَثُ " .

USC-MSA web (English) reference : Book 56, Hadith 22
Arabic reference : Book 56, Hadith 1835

Malik related to me that Ismail ibn Abi Hakim heard Umar ibn Abd al-Aziz say, "Some say that Allah the Blessed, the Exalted, will not punish the many for the wrong action of the few. However, when the objectionable action is committed openly, then they all deserve to be punished."

وَحَدَّثَنِي مَالِكٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَكِيمٍ، أَنَّهُ سَمِعَ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، يَقُولُ كَانَ يُقَالُ إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى لاَ يُعَذِّبُ الْعَامَّةَ بِذَنْبِ الْخَاصَّةِ وَلَكِنْ إِذَا عُمِلَ الْمُنْكَرُ جِهَارًا اسْتَحَقُّوا الْعُقُوبَةَ كُلُّهُمْ .

USC-MSA web (English) reference : Book 56, Hadith 23
Arabic reference : Book 56, Hadith 1836

Malik related to me from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik said, "I heard Umar ibn al-Khattab, when I was going out with him to visit an orchard, say to himself, and there was a wall between him and me and he was inside the garden, 'Umar ibn al-Khattab, amir al-muminin! Well done! Well done! By Allah, fear Allah or he will punish you.' "

حَدَّثَنِي مَالِكٌ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ، وَخَرَجْتُ، مَعَهُ حَتَّى دَخَلَ حَائِطًا فَسَمِعْتُهُ وَهُوَ، يَقُولُ وَبَيْنِي وَبَيْنَهُ جِدَارٌ - وَهُوَ فِي جَوْفِ الْحَائِطِ - عُمَرُ بْنُ الْخَطَّابِ أَمِيرُ الْمُؤْمِنِينَ بَخٍ بَخٍ وَاللَّهِ لَتَتَّقِيَنَّ اللَّهَ أَوْ لَيُعَذِّبَنَّكَ .

USC-MSA web (English) reference : Book 56, Hadith 24
Arabic reference : Book 56, Hadith 1837

Malik said, "I heard that al-Qasim ibn Muhammad used to say, 'I have seen the people, (i.e. the companions), and they were not impressed by speech.' " Malik said, "He meant that only action and deeds would be looked at, not words."

قَالَ مَالِكٌ وَبَلَغَنِي أَنَّ الْقَاسِمَ بْنَ مُحَمَّدٍ كَانَ يَقُولُ أَدْرَكْتُ النَّاسَ وَمَا يَعْجَبُونَ بِالْقَوْلِ . قَالَ مَالِكٌ يُرِيدُ بِذَلِكَ الْعَمَلَ إِنَّمَا يُنْظَرُ إِلَى عَمَلِهِ وَلاَ يُنْظَرُ إِلَى قَوْلِهِ .

USC-MSA web (English) reference : Book 56, Hadith 25
Arabic reference : Book 56, Hadith 1838

Malik related to me that Amir ibn Abdullah ibn az-Zubayr would stop speaking when he heard thunder and say, "Glory be to Allah whom the thunder glorifies with His praise and the angels from the fear of Him." (Subhana-aladhee yusabihu ar-radu bi hamdihi wa mala'ikatu min khiyfatihi.) Then he would say, "This is a severe warning to the people of the earth."

حَدَّثَنِي مَالِكٌ، عَنْ عَامِرِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، أَنَّهُ كَانَ إِذَا سَمِعَ الرَّعْدَ، تَرَكَ الْحَدِيثَ

USC-MSA web (English) reference : Book 56, Hadith 26
Arabic reference : Book 56, Hadith 1839

Malik related to me from Ibn Shihab from Urwa ibn az-Zubayr from A'isha, umm al-muminin that when the Messenger of Allah, may Allah bless him and grant him peace, died, the wives of the Prophet, may Allah bless him and grant him peace, wanted to send Uthman ibn Affan to Abu Bakr as-Siddiq to ask him about their inheritance from the Messenger of Allah, may Allah bless him and grant him peace A'isha said to them, "Didn't the Messenger of Allah, may Allah bless him and grant him peace, say, 'No one inherits from us. What we leave is sadaqa.' "

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، أَنَّ أَزْوَاجَ النَّبِيِّ، صلى الله عليه وسلم حِينَ تُوُفِّيَ رَسُولُ اللَّهِ صلى الله عليه وسلم أَرَدْنَ أَنْ يَبْعَثْنَ عُثْمَانَ بْنَ عَفَّانَ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ فَيَسْأَلْنَهُ مِيرَاثَهُنَّ مِنْ رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَتْ لَهُنَّ عَائِشَةُ أَلَيْسَ قَدْ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " **لاَ نُورَثُ مَا تَرَكْنَا فَهُوَ صَدَقَةٌ** " .

USC-MSA web (English) reference : Book 56, Hadith 27
Arabic reference : Book 56, Hadith 1840

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "My inheritance is not divided up by the dinar. What I leave apart from the maintenance of my wives and provision for my servant is sadaqa."

وَحَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " لاَ يَقْتَسِمُ وَرَثَتِي دَنَانِيرَ مَا تَرَكْتُ بَعْدَ نَفَقَةِ نِسَائِي وَمُؤْنَةِ عَامِلِي فَهُوَ صَدَقَةٌ " .

USC-MSA web (English) reference : Book 56, Hadith 28
Arabic reference : Book 56, Hadith 1841

57 - Jahannam كتاب جهنم

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The fire of the children of Adam which they kindle is a seventieth part of the fire of Jahannam." They said, "Messenger of Allah, this fire is certainly enough." He said, "That fire is sixty- nine times greater."

حَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " نَارُ بَنِي آدَمَ الَّتِي يُوقِدُونَ جُزْءٌ مِنْ سَبْعِينَ جُزْءًا مِنْ نَارِ جَهَنَّمَ " . فَقَالُوا يَا رَسُولَ اللَّهِ إِنْ كَانَتْ لَكَافِيَةً . قَالَ " إِنَّهَا فُضِّلَتْ عَلَيْهَا بِتِسْعَةٍ وَسِتِّينَ جُزْءًا " .

USC-MSA web (English) reference : Book 57, Hadith 1
Arabic reference : Book 57, Hadith 1842

Malik related to me from his paternal uncle Abu Suhayl ibn Malik from his father that Abu Hurayra said, "Do you think that it is red like this fire of yours? It is blacker than tar."

وَحَدَّثَنِي مَالِكٌ، عَنْ عَمِّهِ أَبِي سُهَيْلِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ قَالَ أَتُرَوْنَهَا حَمْرَاءَ كَنَارِكُمْ هَذِهِ لَهِيَ أَسْوَدُ مِنَ الْقَارِ " . وَالْقَارُ الزِّفْتُ .

USC-MSA web (English) reference : Book 57, Hadith 2
Arabic reference : Book 57, Hadith 1843

58 - Sadaqa كتاب الصدقة

Malik related to me from Yahya ibn Said from Abu'l-Hubab Said ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever gives sadaqa from good earning - and Allah only accepts the good - it is as if he placed it in the palm of the Merciful to raise it, as one of you raises his foal or young camel until it is like the mountain "

حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي الْحُبَابِ، سَعِيدِ بْنِ يَسَارٍ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " مَنْ تَصَدَّقَ بِصَدَقَةٍ مِنْ كَسْبٍ طَيِّبٍ - وَلاَ يَقْبَلُ اللَّهُ إِلاَّ طَيِّبًا - كَانَ إِنَّمَا يَضَعُهَا فِي كَفِّ الرَّحْمَنِ يُرَبِّيهَا كَمَا يُرَبِّي أَحَدُكُمْ فَلُوَّهُ أَوْ فَصِيلَهُ حَتَّى تَكُونَ مِثْلَ الْجَبَلِ " .

USC-MSA web (English) reference : Book 58, Hadith 1
Arabic reference : Book 58, Hadith 1844

Malik related to me that Ishaq ibn Abdullah ibn Abi Talha heard Anas ibn Malik say, "Abu Talha had the greatest amount of property in palm-trees among the Ansar in Madina. The dearest of his properties to him was Bayruha which was in front of the mosque. The Messenger of Allah, may Allah bless him and grant him peace, used to go into it and drink from the pleasant water which was in it."

Anas continued, "When this ayat was sent down 'You will not obtain rightness of action until you expend of what you love,' (Sura 2 ayat l76), Abu Talha went to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah! Allah, the Blessed, the Exalted, has said, "You will not obtain until you expend of what you love." The property which I love the best is Bayruha. It is sadaqa for Allah. I hope for its good and for it to be stored up with Allah. Place it wherever you wish, Messengerof Allah. ' "
"The Messenger of Allah, may Allah bless him and grant him peace, said, 'Well done! That is property which profits! That is property which profits. I have heard what you have said about it and I think that you should give it to your relatives.' Abu Talha said, 'I will do it, Messenger of Allah!' Abu Talha therefore divided it among his relatives and the children of his paternal uncle."

وَحَدَّثَنِي مَالِكٌ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ،

يَقُولُ كَانَ أَبُو طَلْحَةَ أَكْثَرَ أَنْصَارِيٍّ بِالْمَدِينَةِ مَالاً مِنْ نَخْلٍ وَكَانَ أَحَبُّ أَمْوَالِهِ إِلَيْهِ بَيْرُحَاءَ وَكَانَتْ مُسْتَقْبِلَةَ الْمَسْجِدِ وَكَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم يَدْخُلُهَا وَيَشْرَبُ مِنْ مَاءٍ

فِيهَا طَيِّبٍ قَالَ أَنَسٌ فَلَمَّا أُنْزِلَتْ هَذِهِ الآيَةُ { لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ} قَامَ أَبُو طَلْحَةَ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَقَالَ يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ {لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ} وَإِنَّ أَحَبَّ أَمْوَالِي إِلَىَّ بَيْرُحَاءَ وَإِنَّهَا صَدَقَةٌ لِلَّهِ أَرْجُو بِرَّهَا وَذُخْرَهَا عِنْدَ اللَّهِ فَضَعْهَا يَا رَسُولَ اللَّهِ حَيْثُ شِئْتَ قَالَ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " بَخٍ ذَلِكَ مَالٌ رَابِحٌ ذَلِكَ مَالٌ رَابِحٌ وَقَدْ سَمِعْتُ مَا قُلْتَ فِيهِ وَإِنِّي أَرَى أَنْ تَجْعَلَهَا فِي الأَقْرَبِينَ " . فَقَالَ أَبُو طَلْحَةَ أَفْعَلُ يَا رَسُولَ اللَّهِ فَقَسَمَهَا أَبُو طَلْحَةَ فِي أَقَارِبِهِ وَبَنِي عَمِّهِ .

USC-MSA web (English) reference : Book 58, Hadith 2
Arabic reference : Book 58, Hadith 1845

Malik related to me from Zayd ibn Aslam that the Messenger of Allah, may Allah bless him and grant him peace, said, "Give to a beggar even if he comes on a horse."

وَحَدَّثَنِي مَالِكٌ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " أَعْطُوا السَّائِلَ وَإِنْ جَاءَ عَلَى فَرَسٍ " .

USC-MSA web (English) reference : Book 58, Hadith 3
Arabic reference : Book 58, Hadith 1846

Malik related to me from Zayd ibn Aslam from Amr ibn Muadh al- Ashali al-Ansari that his grandmother said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'O trusting women! Let none of you despise giving to her neighbour even if it is only a roasted sheep's trotter.'

وَحَدَّثَنِي مَالِكٌ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَمْرِو بْنِ مُعَاذٍ الأَشْهَلِيِّ الأَنْصَارِيِّ، عَنْ جَدَّتِهِ، أَنَّهَا قَالَتْ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " يَا نِسَاءَ الْمُؤْمِنَاتِ لاَ تَحْقِرَنَّ إِحْدَاكُنَّ أَنْ تُهْدِيَ لِجَارَتِهَا وَلَوْ كُرَاعَ شَاةٍ مُحْرَقًا " .

USC-MSA web (English) reference : Book 58, Hadith 4
Arabic reference : Book 58, Hadith 1847

Yahya related to me from Malik that he heard that a beggar asked A'isha, the wife of the Prophet, may Allah bless him and grant him peace, for something while she was fasting and there was only a loaf of bread in her house. She said to her female mawla, "Give it to him." The mawla protested, "You will not have anything to break your fast with." A'isha repeated, "Give it to him," so she did so. When evening came, the people of a house or a man who did not usually give to them, gave them a sheep and some food to go with it. A'isha, umm al-muminin, called her mawla and said, "Eat from this. This is better than your loaf of bread."

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صلى الله عليه وسلم أَنَّ مِسْكِينًا سَأَلَهَا وَهِيَ صَائِمَةٌ وَلَيْسَ فِي بَيْتِهَا إِلاَّ رَغِيفٌ فَقَالَتْ لِمَوْلاَةٍ لَهَا أَعْطِيهِ إِيَّاهُ . فَقَالَتْ لَيْسَ لَكِ مَا تُفْطِرِينَ عَلَيْهِ . فَقَالَتْ أَعْطِيهِ إِيَّاهُ قَالَتْ فَفَعَلْتُ - قَالَتْ - فَلَمَّا أَمْسَيْنَا أَهْدَى لَنَا أَهْلُ بَيْتٍ - أَوْ إِنْسَانٌ - مَا كَانَ يُهْدِي لَنَا شَاةً وَكَفَنَهَا فَدَعَتْنِي عَائِشَةُ أُمُّ الْمُؤْمِنِينَ فَقَالَتْ كُلِي مِنْ هَذَا هَذَا خَيْرٌ مِنْ قُرْصِكِ .

USC-MSA web (English) reference : Book 58, Hadith 5
Arabic reference : Book 58, Hadith 1848

Yahya related to me that Malik said, "I heard that a beggar asked for food from A'isha, umm al-muminin, while she had some grapes. She told some one to take him one grape. He began to look in amazement. A'isha said, 'Are you amazed? How many atoms' weights do you see in this grape?' " (referring to Sura 99 ayat 7).

وَحَدَّثَنِي عَنْ مَالِكٍ، قَالَ بَلَغَنِي أَنَّ مِسْكِينًا، اسْتَطْعَمَ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ وَبَيْنَ يَدَيْهَا عِنَبٌ فَقَالَتْ لإِنْسَانٍ خُذْ حَبَّةً فَأَعْطِهِ إِيَّاهَا فَجَعَلَ يَنْظُرُ إِلَيْهَا وَيَعْجَبُ فَقَالَتْ عَائِشَةُ أَتَعْجَبُ كَمْ تَرَى فِي هَذِهِ الْحَبَّةِ مِنْ مِثْقَالِ ذَرَّةٍ

USC-MSA web (English) reference : Book 58, Hadith 6
Arabic reference : Book 58, Hadith 1849

Malik related to me from Malik from Ibn Shihab from Ata ibn Yazid al-Laythi from Abu Said al-Khudri that some people of the Ansar asked the Messenger of Allah, may Allah bless him and grant him peace, and he gave to them. Then they asked him again, and he gave to them until he used up what he had. Then he said, "What wealth I have, I will not hoard from you. Whoever has forbearance, Allah will help him. Whoever tries to be independent, Allah will enrich him. Whoever tries to be patient, Allah will give him patience, and no one is given a better or vaster gift than patience."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَطَاءِ بْنِ يَزِيدَ اللَّيْثِيِّ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، . أَنَّ نَاسًا، مِنَ الأَنْصَارِ سَأَلُوا رَسُولَ اللَّهِ صلى الله عليه وسلم فَأَعْطَاهُمْ ثُمَّ سَأَلُوهُ فَأَعْطَاهُمْ حَتَّى نَفِدَ مَا عِنْدَهُ ثُمَّ قَالَ " مَا يَكُونُ عِنْدِي مِنْ خَيْرٍ فَلَنْ أَدَّخِرَهُ عَنْكُمْ وَمَنْ يَسْتَعْفِفْ يُعِفَّهُ اللَّهُ وَمَنْ يَسْتَغْنِ يُغْنِهِ اللَّهُ وَمَنْ يَتَصَبَّرْ يُصَبِّرْهُ اللَّهُ وَمَا أُعْطِيَ أَحَدٌ عَطَاءً هُوَ خَيْرٌ وَأَوْسَعُ مِنَ الصَّبْرِ " .

USC-MSA web (English) reference : Book 58, Hadith 7
Arabic reference : Book 58, Hadith 1850

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said from the mimbar when mentioning sadaqa and refraining from asking, "The upper hand is better than the lower hand. The upper hand is the one which expends, and the lower one is the one which asks."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ - وَهُوَ عَلَى الْمِنْبَرِ وَهُوَ يَذْكُرُ الصَّدَقَةَ وَالتَّعَفُّفَ عَنِ الْمَسْأَلَةِ - " الْيَدُ الْعُلْيَا خَيْرٌ مِنَ الْيَدِ السُّفْلَى وَالْيَدُ الْعُلْيَا هِيَ الْمُنْفِقَةُ وَالسُّفْلَى هِيَ السَّائِلَةُ " .

USC-MSA web (English) reference : Book 58, Hadith 8
Arabic reference : Book 58, Hadith 1851

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, sent a gift to Umar ibn al-Khattab, and Umar returned it. The Messenger of Allah, may Allah bless him and grant him peace, said, "Why did you return it?" He said, "Messenger of Allah, didn't you tell us that it is better for us not to take anything from anyone?" The Messenger of Allah, may Allah bless him and grant him peace, said, "That is by asking. Provision which Allah gives you is different from asking." Umar ibn al-Khattab said, "By the One in whose hand my self is, I will not ask anything from anyone, and anything that comes to me without my asking for it, I will accept."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَرْسَلَ إِلَى عُمَرَ بْنِ الْخَطَّابِ بِعَطَاءٍ فَرَدَّهُ عُمَرُ فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم " لِمَ رَدَدْتَهُ " . فَقَالَ يَا رَسُولَ اللَّهِ أَلَيْسَ أَخْبَرْتَنَا أَنَّ خَيْرًا لأَحَدِنَا أَنْ لاَ يَأْخُذَ مِنْ أَحَدٍ شَيْئًا فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّمَا ذَلِكَ عَنِ الْمَسْأَلَةِ فَأَمَّا مَا كَانَ مِنْ غَيْرِ مَسْأَلَةٍ فَإِنَّمَا هُوَ رِزْقٌ يَرْزُقُكَهُ اللَّهُ " . فَقَالَ عُمَرُ بْنُ الْخَطَّابِ أَمَا وَالَّذِي نَفْسِي بِيَدِهِ لاَ أَسْأَلُ أَحَدًا شَيْئًا وَلاَ يَأْتِينِي شَىْءٌ مِنْ غَيْرِ مَسْأَلَةٍ إِلاَّ أَخَذْتُهُ .

USC-MSA web (English) reference : Book 58, Hadith 9
Arabic reference : Book 58, Hadith 1852

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "By Him in whose hand myself is! To take your rope and gather firewood on your back is better for you than that you come to a man to whom Allah has given some of His favour and ask him, so he gives to you or refuses."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " وَالَّذِي نَفْسِي بِيَدِهِ لأَنْ يَأْخُذَ أَحَدُكُمْ حَبْلَهُ فَيَحْتَطِبَ عَلَى ظَهْرِهِ خَيْرٌ لَهُ مِنْ أَنْ يَأْتِيَ رَجُلاً أَعْطَاهُ اللَّهُ مِنْ فَضْلِهِ فَيَسْأَلَهُ أَعْطَاهُ أَوْ مَنَعَهُ " .

USC-MSA web (English) reference : Book 58, Hadith 10
Arabic reference : Book 58, Hadith 1853

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that a man of the Banu Asad said, "My family and I dismounted to rest at Baqi. My family said to me, 'Go to the Messenger of Allah, may Allah bless him and grant him peace, and ask him for something that we can eat,' and they began to mention their need. I went to the Messenger of Allah, may Allah bless him and grant him peace, and found that a man was asking for something,

and the Messenger of Allah, may Allah bless him and grant him peace, was saying, 'I do not have anything to give you.' The man turned away from him in anger, saying, 'By my life! You give to whomever you wish.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'He is angry with me because I do not have anything to give him. Whoever asks of you while he has an uqiya or its like, has asked with importunity.' "

The man continued, "I said to myself about a camel that we had, 'It is better than an uqiya.' (Malik explained that an uqiya was forty dirhams.) So I returned and did not ask him for anything, and the Messenger of Allah, may Allah bless him and grant him peace, sent me barley and raisins after that. He gave us from his share until Allah, the Mighty, the Majestic gave us relief."

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ رَجُلٍ، مِنْ بَنِي أَسَدٍ أَنَّهُ قَالَ نَزَلْتُ أَنَا وَأَهْلِي، بِبَقِيعِ الْغَرْقَدِ فَقَالَ لِي أَهْلِي اذْهَبْ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَاسْأَلْهُ لَنَا شَيْئًا نَأْكُلُهُ ‏.‏ وَجَعَلُوا يَذْكُرُونَ مِنْ حَاجَتِهِمْ ‏.‏ فَذَهَبْتُ إِلَى رَسُولِ اللَّهِ صلى الله عليه وسلم فَوَجَدْتُ عِنْدَهُ رَجُلاً يَسْأَلُهُ وَرَسُولُ اللَّهِ صلى الله عليه وسلم يَقُولُ ‏"‏ لاَ أَجِدُ مَا أُعْطِيكَ ‏"‏ ‏.‏ فَتَوَلَّى الرَّجُلُ عَنْهُ وَهُوَ مُغْضَبٌ وَهُوَ يَقُولُ لَعَمْرِي إِنَّكَ لَتُعْطِي مَنْ شِئْتَ ‏.‏ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم ‏"‏ إِنَّهُ لَيَغْضَبُ عَلَىَّ أَنْ لاَ أَجِدَ مَا أُعْطِيهِ مَنْ سَأَلَ مِنْكُمْ وَلَهُ أُوقِيَّةٌ أَوْ عَدْلُهَا فَقَدْ سَأَلَ إِلْحَافًا ‏"‏ ‏.‏ قَالَ الأَسَدِيُّ فَقُلْتُ لَلَقْحَةٌ لَنَا خَيْرٌ مِنْ أُوقِيَّةٍ ‏.‏ قَالَ مَالِكٌ وَالأُوقِيَّةُ أَرْبَعُونَ دِرْهَمًا ‏.‏ قَالَ فَرَجَعْتُ وَلَمْ أَسْأَلْهُ فَقُدِمَ عَلَى رَسُولِ اللَّهِ صلى الله عليه وسلم بَعْدَ ذَلِكَ بِشَعِيرٍ وَزَبِيبٍ فَقَسَمَ لَنَا مِنْهُ حَتَّى أَغْنَانَا اللَّهُ عَزَّ وَجَلَّ ‏.‏

USC-MSA web (English) reference : Book 58, Hadith 11
Arabic reference : Book 58, Hadith 1854

Yahya related that Malik heard al-Ala ibn Abd ar-Rahman say, "Sadaqa does not decrease property, and Allah only increases a slave in worth for his restraint, and no slave is humble but that Allah raises him."

Malik said, "I do not know whether this hadith goes back to the Prophet, may Allah bless him and grant him peace, or not."

وَعَنْ مَالِكٍ، عَنِ الْعَلاَءِ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّهُ سَمِعَهُ يَقُولُ مَا نَقَصَتْ صَدَقَةٌ مِنْ مَالٍ وَمَا زَادَ اللَّهُ عَبْدًا بِعَفْوٍ إِلاَّ عِزًّا وَمَا تَوَاضَعَ عَبْدٌ إِلاَّ رَفَعَهُ اللَّهُ ‏.‏ قَالَ مَالِكٌ لاَ أَدْرِي أَيُرْفَعُ هَذَا الْحَدِيثُ عَنِ النَّبِيِّ صلى الله عليه وسلم أَمْ لاَ ‏.‏

USC-MSA web (English) reference : Book 58, Hadith 12
Arabic reference : Book 58, Hadith 1855

Yahya related to me from Malik that he heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "Sadaqa to the family of Muhammad is not halal. It is only people's impurities."

حَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ ‏"‏ لاَ تَحِلُّ الصَّدَقَةُ لآلِ مُحَمَّدٍ إِنَّمَا هِيَ أَوْسَاخُ النَّاسِ ‏"‏ ‏.‏

USC-MSA web (English) reference : Book 58, Hadith 13
Arabic reference : Book 58, Hadith 1856

Yahya related to me from Malik from Abdullah ibn Abi Bakr from his father that the Messenger of Allah, may Allah bless him and grant him peace, gave a man from the Banu Abd al-Ashal charge over some sadaqa. When he came to ask him for some camels from the sadaqa, the Messenger of Allah, may Allah bless him and grant him peace, was so angry that the anger showed in his face. One way in which anger could be recognised in his face was that his eyes became red. Then he said, "This man has asked me for what is not good for me or him. If I refuse it, I hate to refuse. If I give it to him, I will give him what is not good for me or him." The man said, "Messenger of Allah! I will never ask you for any of it!"

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم اسْتَعْمَلَ رَجُلاً مِنْ بَنِي عَبْدِ الأَشْهَلِ عَلَى الصَّدَقَةِ فَلَمَّا قَدِمَ سَأَلَهُ إِبِلاً مِنَ الصَّدَقَةِ فَغَضِبَ رَسُولُ اللَّهِ صلى الله عليه وسلم حَتَّى عُرِفَ الْغَضَبُ فِي وَجْهِهِ - وَكَانَ مِمَّا يُعْرَفُ بِهِ الْغَضَبُ فِي وَجْهِهِ أَنْ تَحْمَرَّ عَيْنَاهُ - ثُمَّ قَالَ " إِنَّ الرَّجُلَ لَيَسْأَلُنِي مَا لاَ يَصْلُحُ لِي وَلاَ لَهُ فَإِنْ مَنَعْتُهُ كَرِهْتُ الْمَنْعَ وَإِنْ أَعْطَيْتُهُ أَعْطَيْتُهُ مَا لاَ يَصْلُحُ لِي وَلاَ لَهُ " . فَقَالَ الرَّجُلُ يَا رَسُولَ اللَّهِ لاَ أَسْأَلُكَ مِنْهَا شَيْئًا أَبَدًا .

USC-MSA web (English) reference : Book 58, Hadith 14
Arabic reference : Book 58, Hadith 1857

Yahya related to me from Malik from Zayd ibn Aslam that his father said, "Abdullah ibn al-Arqam said, 'Show me a riding-camel which the amir al-muminim can give me to use.' I said, 'Yes. One of the sadaqa camels.' Abdullah ibn al-Arqam said, 'Would you want a stout man on a hot day to wash for you what is under his lower garment and its folds, and then give it to you to drink?' I was angry and said, 'May Allah forgive you! Why do you say such things to me?' Abdullah ibn al-Arqam said, 'Sadaqa is the impurities of people which they wash off themselves.' "

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّهُ قَالَ قَالَ عَبْدُ اللَّهِ بْنُ الأَرْقَمِ ادْلُلْنِي عَلَى بَعِيرٍ مِنَ الْمَطَايَا أَسْتَحْمِلُ عَلَيْهِ أَمِيرَ الْمُؤْمِنِينَ فَقُلْتُ نَعَمْ جَمَلاً مِنَ الصَّدَقَةِ . فَقَالَ عَبْدُ اللَّهِ بْنُ الأَرْقَمِ أَتُحِبُّ أَنَّ رَجُلاً بَادِنًا فِي يَوْمٍ حَارٍّ غَسَلَ لَكَ مَا تَحْتَ إِزَارِهِ وَرُفْغَيْهِ ثُمَّ أَعْطَاكَهُ فَشَرِبْتَهُ قَالَ فَغَضِبْتُ وَقُلْتُ يَغْفِرُ اللَّهُ لَكَ أَتَقُولُ لِي مِثْلَ هَذَا فَقَالَ عَبْدُ اللَّهِ بْنُ الأَرْقَمِ إِنَّمَا الصَّدَقَةُ أَوْسَاخُ النَّاسِ يَغْسِلُونَهَا عَنْهُمْ .

USC-MSA web (English) reference : Book 58, Hadith 15
Arabic reference : Book 58, Hadith 1858

59 - Knowledge كتاب العلم

باب مَا جَاءَ فِي طَلَبِ الْعِلْمِ

Arabic reference : Book 59, Hadith 1

Yahya related to me from Malik that he heard that Luqman al-Hakim made his will and counselled his son, saying, "My son! Sit with the learned men and keep close to them. Allah gives life to the hearts with the light of wisdom as Allah gives life to the dead earth with the abundant rain of the sky."

حَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ لُقْمَانَ الْحَكِيمَ، أَوْصَى ابْنَهُ فَقَالَ يَا بُنَىَّ جَالِسِ الْعُلَمَاءَ وَزَاحِمْهُمْ بِرُكْبَتَيْكَ فَإِنَّ اللَّهَ يُحْيِي الْقُلُوبَ بِنُورِ الْحِكْمَةِ كَمَا يُحْيِي اللَّهُ الأَرْضَ الْمَيْتَةَ بِوَابِلِ السَّمَاءِ

USC-MSA web (English) reference : Book 59, Hadith 1
Arabic reference : Book 59, Hadith 1859

60 - The Supplication of the Unjustly Wronged

كتاب دعوة المظلوم

Yahya related to me from Malik from Zayd ibn Aslam from his father that Umar ibn al-Khattab gave a mawla of his called Hunayy charge over the hima. He said, "Hunayy! Do not harm the people. Fear the supplication of the wronged, for the supplication of the wronged is answered. Let the one with a small herd of camels and the one with a small herd of sheep enter, but be wary of the livestock of Ibn Awf and the livestock of Ibn Affan. If their livestock are destroyed, they will return to palm-trees and agriculture. If the livestock of the one with a small herd of camels and the one with a small herd of sheep are destroyed, he will bring his children to me crying, 'Amir al-muminin! Amir al-Muminin!' Shall I neglect them? Water and pasturage are of less value to me than gold and silver. By Allah, they think that I have wronged them. This is their land and their water. They fought for it in the jahiliyya and became muslims on it in Islam. By He in whose hand my self is! Were it not for the mounts which I give to be ridden in the way of Allah, I would not have turned a span of their land into hima."

حَدَّثَنِي عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، اسْتَعْمَلَ مَوْلًى لَهُ يُدْعَى هُنَيًّا عَلَى الْحِمَى فَقَالَ يَا هُنَىُّ اضْمُمْ جَنَاحَكَ عَنِ النَّاسِ وَاتَّقِ دَعْوَةَ الْمَظْلُومِ فَإِنَّ دَعْوَةَ الْمَظْلُومِ مُسْتَجَابَةٌ وَأَدْخِلْ رَبَّ الصُّرَيْمَةِ وَرَبَّ الْغُنَيْمَةِ وَإِيَّاىَ وَنَعَمَ ابْنِ عَوْفٍ وَنَعَمَ ابْنِ عَفَّانَ فَإِنَّهُمَا إِنْ تَهْلِكْ مَاشِيَتُهُمَا يَرْجِعَا إِلَى نَخْلٍ وَزَرْعٍ وَإِنَّ رَبَّ الصُّرَيْمَةِ وَرَبَّ الْغُنَيْمَةِ إِنْ تَهْلِكْ مَاشِيَتُهُمَا يَأْتِنِي بِبَنِيهِ فَيَقُولُ يَا أَمِيرَ الْمُؤْمِنِينَ يَا أَمِيرَ الْمُؤْمِنِينَ . أَفَتَارِكُهُمْ أَنَا لاَ أَبَا لَكَ فَالْمَاءُ وَالْكَلأُ أَيْسَرُ عَلَىَّ مِنَ الذَّهَبِ وَالْوَرِقِ وَايْمُ اللَّهِ إِنَّهُمْ لَيَرَوْنَ أَنِّي قَدْ ظَلَمْتُهُمْ إِنَّهَا لَبِلاَدُهُمْ وَمِيَاهُهُمْ قَاتَلُوا عَلَيْهَا فِي الْجَاهِلِيَّةِ وَأَسْلَمُوا عَلَيْهَا فِي الإِسْلاَمِ وَالَّذِي نَفْسِي بِيَدِهِ لَوْلاَ الْمَالُ الَّذِي أَحْمِلُ عَلَيْهِ فِي سَبِيلِ اللَّهِ مَا حَمَيْتُ عَلَيْهِمْ مِنْ بِلاَدِهِمْ شِبْرًا .

USC-MSA web (English) reference : Book 60, Hadith 1
Arabic reference : Book 60, Hadith 1860

61 - The Names of the Prophet, may Allah Bless Him and Grant Him Peace

كتاب أسماء النبى صلى الله عليه وسلم

Malik related to me from Ibn Shihab from Muhammad ibn Jubayr ibn Mutim that the Prophet, may Allah bless him and grant him peace, said, "I have five names. I am Muhammad. I am Ahmad. I am al-Mahi (the effacer), by whom Allah effaces kufr. I am al-Hashir (the gatherer), before whom people are gathered. I am al-Aqib (the last)."

حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ مُحَمَّدِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ، أَنَّ النَّبِيَّ صلى الله عليه وسلم قَالَ " لِي خَمْسَةُ أَسْمَاءٍ أَنَا مُحَمَّدٌ وَأَنَا أَحْمَدُ وَأَنَا الْمَاحِي الَّذِي يَمْحُو اللَّهُ بِيَ الْكُفْرَ وَأَنَا الْحَاشِرُ الَّذِي يُحْشَرُ النَّاسُ عَلَى قَدَمِي وَأَنَا الْعَاقِبُ " .

USC-MSA web (English) reference : Book 61, Hadith 1
Arabic reference : Book 61, Hadith 1861